

PX 81

September 11, 2018

Administrative

Transcript Excerpt

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

**DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,**

Respondent(s),

and

**INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
ARTISTS, AND ALLIED CRAFTS OF THE
UNITED STATES AND CANADA,
LOCAL 720, AFL-CIO,**

Charging Party.

Case Nos. **28-CA-219225
28-CA-223339
28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130**

The above-entitled matter came on for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**, Administrative Law Judge, at the **National Labor Relations Board, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas, Nevada, on Tuesday, September 11, 2018, at 9:00 a.m.**

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Annapolis, MD 21409
(410) 974-0947

1 sense. The General Counsel will call say hypothetically five
2 of those witnesses, and then you can recall them in your case
3 if you want to. But Ms. Cohen doesn't have to because she
4 will have already done her thing.

5 MR. KAMER: And that's fine with us.

6 JUDGE ANZALONE: All right.

7 MR. KAMER: Now that it's been explained, now that we've
8 been brought into the conversation, we're quite pleased with
9 the way it's going to proceed.

10 JUDGE ANZALONE: Okay. Well, you know the problem is
11 conference calls can be a little rushed. And I think that
12 I -- yeah, I think maybe that part of the call was a little
13 rushed. But we all get it now. And Ms. Cohen then would put
14 on her objections following the General Counsel's case. That
15 puts you in a position of being on notice of everything.

16 MR. KAMER: Exactly. And that's exactly what we want,
17 Your Honor. That makes perfect sense.

18 JUDGE ANZALONE: Right, yeah. I think that makes sense,
19 yeah. Okay. All right, go ahead, whenever you're ready.

20 MR. KAMER: Opening statement? Your Honor, do you mind
21 if I sit while I do my opening? It's just easier.

22 JUDGE ANZALONE: Oh, no, no, go ahead.

23 **OPENING STATEMENT**

24 MR. KAMER: Section 7 of the National Labor Relations
25 Act, as we all know, gives employees the right to join, form,

1 or assist a labor organization. But the part that people and
2 the General Counsel sometimes seems to forget is it also
3 gives them the right to not be part of concerted protected
4 activities, to not join a union.

5 Employers have the right to speak to their employees.
6 Employers have a Section 8(c) right to, in a non-threatening
7 way, advise their employees of what it means to be in a
8 union. The General Counsel might not like that. The statute
9 favors collective bargaining. By the same token, it gives
10 employees the right to not join a union.

11 When you speak about a *Gissel* bargaining order, you are
12 disenfranchising employees because you are compelling them to
13 be part of a union. If the *Gissel* bargaining order issues
14 properly, if there really has been such taint that a free and
15 fair election can no longer take place, then clearly per the
16 Supreme Court of the United States and per the courts of the
17 United States, a *Gissel* bargaining order is required.

18 But you need to have that majority support at some point
19 in time. Many of our subpoena issues went to finding out
20 when the majority support was. We weren't able to find out.
21 Maybe we'll find out in their case in chief. Certainly, Your
22 Honor is going to have to find out when they had majority
23 support and when that support was lost.

24 Here, the Labor Board and the Union are trying to impose
25 the Union upon employees who objectively through the election

1 process voted to not unionize. Of course, their version of
2 reality is when that vote took place, these employees had
3 been so tainted and so put upon that they couldn't freely
4 exercise their opinions. The reality is that's not true.
5 The reality is it's very easy to use quote/unquote the cover
6 of a union campaign to cover poor performance.

7 My client is not perfect. It is an interesting
8 complement of employees. This is a break-in, for all intents
9 and purposes, position. This is not a gourmet restaurant. I
10 would analogize, based upon the enormous turnover over the
11 years, the operation is more of a McDonald's restaurant.
12 This is your starter job. When you're having turnover of 200
13 employees in a year, that's a -- and I don't know if that's
14 the exact number, but we will, we will put on an exact number
15 of what our turnover figures are. People are turning because
16 they're bringing in people for on-the-job training, and some
17 of them have the skills to do it, and some of them don't.
18 And your managers are rising in the ranks. And one of our
19 problems has been for the Respondent poor management, poor
20 management at a line level, at a supervisor level, at above
21 that supervisor level.

22 When I say poor, we're not talking about just not
23 knowing what you're doing. We're talking about criminal
24 activities by managers, managers who have stolen from the
25 Company, where there are outstanding criminal charges against

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PX 82

Personnel Action Forms
Created By DeStefano

Personnel Action Form

DAVID SAXE PRODUCTIONS

Employee Name:	Hire Date:	Effective Date:
HOJNACKI, MELISSA	08/14/2017 5 months, 9 days	01/23/2018
Created By:	Approved By:	Current Status:
Tiffany DeStefano	TAKESHIA CARRIGAN	Final Approved
PAF Action Type:	PAF Reason:	
Change Employment Status of Employee	Fired	

Comments:

Melissa was unable to be consistent with what was needed of her here at VTG due to her other job. We couldn't remain in the bind we were placed in because she couldn't run the track we needed her to run. Her days jumped around too much.

Description	Previous	Proposed
Employee Status	ACTIVE	TERMINATED
Termination Type		Involuntary
Termination Reason		No Change

Question #1

Is this employee eligible for rehire?

☒ Yes ☐ No

Review History

Reviewer Name	Action	Action Time	Send Back Notes	Approval Notes
QIANA BRASS	Approval	01/23/2018 11:29:18 AM		
TAKESHIA CARRIGAN	Final Approval	01/23/2018 01:36:47 PM		

Personnel Action Form

DAVID SAXE PRODUCTIONS

Employee Name:

MILLER, SEAN

Hire Date:

07/02/2017

Effective Date:

11/17/2017

Action Type:

Change Employment Status of Employee

Selected Change:

Involuntary Termination

Reason for Involuntary Termination:

Performance

Created By:

Tiffany DeStefano

Approved By:

KARLO PIZARRO

Current Status:

Final Approved

Comments:

6 weeks of training, and multiple mistakes causing the shows he was on not to run the way they should. he was given plenty of chances to fix what he was struggling with and nothing was improving. Had 12 hours of unapproved overtime.

Description	Previous	Approved
Department	Production	No Change
Position Family	Production	
Position Title	Audio Technician	No Change
DOL Status	(None)	No Change
Primary Supervisor	DESTEFANO, TIFFANY(Production Coordinator)	No Change
Secondary Supervisor	PENDERGRAFT, JASON(Technical Director)	No Change
Tertiary Supervisor		No Change
Quaternary Supervisor		No Change
PTO Approval Supervisor	Tiffany DeStefano	No Change
Talent Management Supervisor	Tiffany DeStefano	No Change
Termination Date	00/00/0000	11/17/2017
Pay Type	Hourly	No Change
Salary / Hourly Rate	\$21.00/Hr	No Change
Annualized Estimate	\$43680.00	No Change
Holiday	\$0.00/Hr.	No Change
Status		Involuntary Termination
Salary Grade		No Change
Benefits Eligibility Profile		No Change
Payroll Profile	OTE01-V THEATER GROUP LLC	No Change
Job Title	6-Audio Technician	No Change

Question #1

Is this employee eligible for rehire?

☐ Yes ☒ No

Review History

Reviewer Name	Action	Action Time	Send Back Notes	Approval Notes
QIANA BRASS	Approval	11/20/2017 02:39:51 PM		Pushed through
KARLO PIZARRO	Final Approval	11/21/2017 09:38:06 AM		

DSP - 5762

PX 83

Testimony of Gerard
McCambridge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
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THEATRICAL STAGE EMPLOYEES AND
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Case Nos. 28-CA-219225
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28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130

The continuation of the above-entitled matter came on
for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**,
Administrative Law Judge, at the **National Labor Relations**
Board, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas,
Nevada, on Thursday, October 25, 2018, at 9:00 a.m.

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1		<u>I N D E X</u>				
2						VOIR
3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
4						
5	David Saxe	3067	3076	--	--	--
6						
7	Thomas Estrada Sr.	3092	3122	--	--	--
8			3133			
9						
10	Gerard McCambridge	3141	3153	--	--	--
11			3159			
12						
13	Daniel Mecca	3164	3177	--	--	--
14						
15	Stephen Sojack	3191	3202	3220	3232	--
16				3237		
17						
18	David Montelongo	3239	3246	3268	--	--
19			3255			
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1 MR. KAMER: It will come in through Mr. Saxe, the
2 document.

3 JUDGE ANZALONE: Well, I mean I think that might forego
4 the hearsay objection. So, for right now, we'll hold off on
5 R-82. R-81 is received.

6 **(Respondent's Exhibit 81 received in evidence.)**

7 MR. KAMER: With that said, I have nothing further for
8 this witness.

9 JUDGE ANZALONE: Okay. We have -- just hold on one
10 second. Let's go off the record.

11 **(Off the record from 11:34 a.m. to 11:35 a.m.)**

12 JUDGE ANZALONE: Back on the record.

13 Okay. General Counsel.

14 **CROSS-EXAMINATION**

15 Q. BY MS. DEMIROK: Mr. McCambridge, my name is Sara
16 Demirok. I represent the General Counsel in this case. When
17 were you first notified that you'd be called as a witness in
18 this case?

19 A. Yesterday.

20 Q. And prior to that, did you have any idea that you might
21 be a potential witness?

22 A. No.

23 Q. Now, you mentioned earlier that with the -- with some of
24 the technicians that are supposed to run a show in the V
25 Theater of yours, that sometimes you just run them on a

- 1 PowerPoint yourself?
- 2 A. Um-hum.
- 3 Q. I'm sorry. You'll have to verbalize for the record.
- 4 A. Yes.
- 5 Q. And with other ones, they can sit there and press the
- 6 space bar?
- 7 A. Correct.
- 8 Q. And Ms. Bohannon was one of them that would press the
- 9 space bar, right?
- 10 A. Correct.
- 11 Q. So you were not running your own show using your remote
- 12 when Ms. Bohannon ran your show; is that right?
- 13 A. According to this, she said she never did.
- 14 Q. I'm asking you, if you ever did?
- 15 A. I've done 3,550 shows there. They're all the same to
- 16 me. I don't remember which tech did and which tech didn't.
- 17 That's why I asked her if she did because I don't remember.
- 18 Q. But earlier in your testimony, you said that she was one
- 19 that would use the space bar, right?
- 20 A. They all use the space bar. Whether I use the remote or
- 21 not, that's a different story.
- 22 Q. Then I must have misunderstood your testimony. So was
- 23 some of -- when you are using your remote.
- 24 A. They don't touch the space bar.
- 25 Q. Okay. So it's either one or the other, right?

1 A. Correct.

2 Q. Were you ever aware that Ms. Bohannon was on -- took an
3 extended leave of absence?

4 A. Yes.

5 Q. And was your complaint before or after that?

6 A. I don't remember.

7 Q. And when I say, just to be clear, the complaint -- it
8 seems like you made a first complaint to Shanea?

9 A. That's correct.

10 Q. And to be clear for the record, Shanea is the one who is
11 the full-time tech who knows how to run your show well?

12 A. Correct.

13 Q. And so first you made a complaint to Shanea about
14 Ms. Bohannon. Is that what I understand?

15 A. Correct.

16 Q. And there was about a month in between, between the time
17 you complained to Shanea and the time you spoke with David
18 Saxe?

19 A. Correct, but there might have been more than one
20 complaint in that month period.

21 Q. To Shanea?

22 A. Um-hum.

23 JUDGE ANZALONE: That's yes?

24 THE WITNESS: Yes. I'm sorry.

25 Q. BY MS. DEMIROK: And as far as a time frame of when this

1 would have -- when you would have complained to Shanea, you
2 don't know if that was either before or after Ms. Bohannon
3 went out on medical leave?

4 A. I don't recall.

5 Q. Okay. And with regard to your complaint to Mr. Saxe, is
6 it also true that you don't recall if that complaint occurred
7 before or after Ms. Bohannon went on medical leave?

8 A. I don't recall.

9 Q. Ms. Bohannon was not the only technician that messed up
10 your show before, right?

11 A. Correct.

12 Q. There have been others that have ruined your show.
13 Would that be fair to say?

14 A. What do you consider ruined?

15 MR. KAMER: Objection, facts not in evidence.

16 JUDGE ANZALONE: Wait a minute. I think you need to
17 rephrase for starters.

18 Q. BY MS. DEMIROK: Other technicians have messed up cues
19 in your show, right?

20 A. Correct.

21 Q. More than one other technician?

22 A. Correct.

23 Q. How many would you say?

24 A. I have no idea.

25 Q. Too many to count?

1 A. My theater is the smallest of the three, and it tends to
2 be the training grounds for sound people. They come to my
3 show first or my theater first. They get trained and then
4 they go off to one of our other theaters. So I seen a lot of
5 sound techs in my 8 years there.

6 Q. And Ms. Bohannon is not the only sound tech that you've
7 made a complaint about. Would that be fair to say?

8 A. Yes.

9 Q. Over your 8 years there, if you had to estimate, how
10 many sound techs have you made complaints about?

11 A. At least three.

12 MS. DEMIROK: Just a moment, Your Honor.

13 Q. BY MS. DEMIROK: When you spoke with Mr. Saxe about
14 Ms. Bohannon, isn't it true that you were concerned about the
15 amount of training that the sound techs were being provided
16 before being put to run the show on their own?

17 A. Was I concerned about the amount of training?

18 Q. Yes.

19 A. I don't remember.

20 Q. Is that a concern of yours today?

21 A. It's a relatively easy show to run. If you can't pick
22 up with a week's worth of training, you're not a sound
23 technician.

24 Q. So in your conversation with Ms. Bohannon, which is
25 Respondent's 81 -- let me find the right spot. Did you --

PX 84

DeStefano Email
Regarding Bohannon



Tiffany DeStefano <tdestefano@vtheater.com>

Taylor Benevente-Bohannon

3 messages

Tiffany DeStefano <tdestefano@vtheater.com>

Thu, Mar 1, 2018 at 12:46 AM

To: Takeshia Carrigan <tcarrigan@davidsaxe.com>, Qiana Brass <qbrass@davidsaxe.com>

Cc: Michael Moore <mmoore@vtheater.com>

Hi,

I have sent you a PAF regarding Taylor. I am switching her to part time. Jason had me put her full time but the hours / work are not there for her. She is a great audio tech, but not able to do other things and especially now after her surgery I am afraid to give her more than just cleaning of the booth. Me and her spoke. She is young and is under her parents insurance so she doesn't even use ours and is totally fine with part time because she loves running shows and would like to focus on that and on keeping her area clean (because there are times she has a small work call due to dark shows). She didnt want to come to me and ask for part time in fear she would lose her job, so it worked out on both ends. I dont want people to have busy work and I would rather full time status go to the people who absolutely need it for show running reasons and who can help us the most with upkeep of the theater. She swings the whole v theater side, but even with doing that very very rarely will ever hit over 30 hours. So that is why you are receiving that PAF.

Thank you!

Tiffany DeStefano
Production Coordinator
David Saxe Productions / V Theater Group
Direct: 702.318.6473
Cell: 702.379.2825

V
THEATER SAXE THEATER
MIRACLE MILE SHOPS @ PLANET HOLLYWOOD

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Takeshia Carrigan <tcarrigan@davidsaxe.com>

Thu, Mar 1, 2018 at 8:55 AM

To: Tiffany DeStefano <tdestefano@vtheater.com>, Qiana Brass <qbrass@davidsaxe.com>

Cc: Michael Moore <mmoore@vtheater.com>

Got it

From: Tiffany DeStefano
Sent: Thursday, March 1, 2018 12:47 AM
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>; Qiana Brass <qbrass@davidsaxe.com>
Cc: Michael Moore <mmoore@vtheater.com>
Subject: Taylor Benevente-Bohannon

G.C. Exh.

No. 19

PX 85

Destefano and Saxe
Text Messages
Regarding Franco

Tiffany DeStefano

(More so for wardrobe and stagehands. Tech will be done tomorrow if you wanna start there:))

8:28 PM

Wednesday, March 14, 2018

Tiffany DeStefano

Do I let Nathan take the stage at 2 until further notice?

12:49 PM

Tiffany DeStefano

(He does take about an hour and a half to set, I have the people I can start scheduling for on Monday to start doing that if we want to do it that way. Or he can continue and we can charge. Up to you. But you do have he bodies available to learn and do it for him)

12:50 PM

Tiffany DeStefano

FYI Nathan is pissed about he stage

1:25 PM

Tiffany DeStefano

I didn't put spike marks back because we have to go over it one more time tonight.

1:25 PM

But he's pissed and says it's slippery (but your Vegas dancers are fine with it)

Tiffany DeStefano

And again, thank you so much for taking the time to do all that. Means a lot.

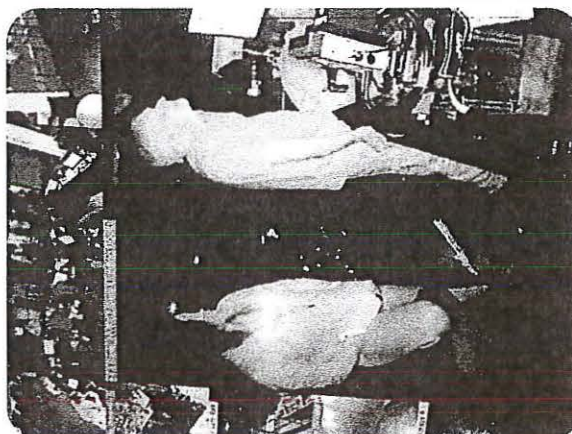
2:25 PM

Tiffany DeStefano

I'll have these mock contracts (just with some stuff) done by tonight so we can meet to fill in rate blanks , I'll get with jasmine on a time that I can sit with you and not interrupt.

2:26 PM

David Saxe



3:17 PM

Why is jasmine hanging out in Saxe booth? If she is supposed to be training she needs a clipboard, notes and to be training.

3:17 PM

Tiffany DeStefano

I have to call Andy and ask because her work call was to do lighting maintenance with Andy.

3:19 PM

She only does programming training with Dan during dark shows. So I don't know why she is in there I'm calling Andy now

Tiffany DeStefano

We will talk tomorrow about it but we can't term Nat on Monday. Just an elimination of position cause I don't need that swing anymore.

7:22 PM

Everything will be covered as of Monday

David Saxe

I don't want to state eliminating position because we aren't doing that. He would be termed for sucking and screwing up the show.

8:08 PM

David Saxe

Please let Andy know that I purchased two Mac mini's and will have IT Dept. Set them up how he wants. Just need to know which software to install tomorrow and they will be ready to be delivered to the theater for him To install

8:10 PM

Tiffany DeStefano

Oh okay either way.

We are eliminating because I don't need a swing audio for Saxe anymore since the current operators are absorbing. But either way works for me!

8:13 PM

Tiffany DeStefano

Okay sounds great I will let him know

8:14 PM

Tiffany DeStefano

Thank you again for everything the last couple of weeks (well always thank you for everything) but I know none of this is easy, so thank you for everything you have done for me and for everyone here at the theater. I/we appreciate it more than you know :)

8:16 PM

David Saxe

Can't eliminate a position then hire someone in the future for the same position without offering to Nat first. Labor laws are very funny. We always state on the paperwork the exact reason why we termed someone and we are terming him cuz he screwed up the show and has been deemed someone who doesn't grasp how to run a show. Same mistake over and over ruining the show.

8:16 PM

Tiffany DeStefano

Oh okay that makes sense. Didn't see it that way.

8:16 PM

David Saxe

Being nice to not hurt feelings doesn't work. Being truthful and as nice as possible but still stating the real reason is what we must do.

8:17 PM

David Saxe

Always tell the truth in real life, except when your wife asks if her butt looks to big in her jeans, then you say "no" no matter what :)

8:18 PM

Tiffany DeStefano

I try to do that

HHaha I don't have a wife so I'm good in that area and probably won't ever have another husband. So I can just always tell the truth ahaha

8:23 PM

David Saxe

We can term someone for any or no reason, provided the reason, if one is given, isn't due to a protected class - race, religion, sex, handicap etc. or for a handful of other screwed up reasons we would never give or do.

8:35 PM

Tiffany DeStefano

That makes sense

8:35 PM

Tiffany DeStefano

And also to add to what I said before, I know it's annoying and time consuming but thank you for helping guide me manager wise...this is a whole other ballgame and I appreciate your patience and guidance it helps so much and makes me down a little less having help and guidance and not figuring it out by myself

8:36 PM

PX 86

Testimony of David
Saxe Regarding
Langstaff

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

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1		<u>I N D E X</u>				
2						<u>VOIR</u>
3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
4						
5	David Saxe	53	--	--	--	--
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1 again General Counsel's Exhibit Number 2, now this mentions
2 another stagehand by the name of Ivan Barrera that Tiffany
3 sent out to you.

4 A. Yes, it does.

5 Q. Okay. And earlier you mentioned something about a
6 fistfight or punching somebody that Tiffany told you about.

7 A. Yes.

8 Q. Was that in reference to Ivan Barrera, or is there some
9 other incident that you were just telling us about?

10 A. No, that's about Ivan, I'm pretty sure. There might
11 have been more. I just -- I can recall the Ivan one.

12 Q. How did you learn that Alanzi and Ivan got into a
13 fistfight?

14 A. I believe there is -- I don't know if it was
15 conversation or an email. I don't recall right now.

16 Q. You did learn though that whatever, an incident between
17 Ivan Barrera took place in 2017?

18 A. Eventually. I don't think any specifics of anything, so
19 until gathering this evidence and mulling it over and looking
20 at dates, so I don't think I knew dates of anything before.

21 Q. When you testified in the previous hearing, when you
22 testified there, you were asked about the reason for Alanzi's
23 discharge.

24 MS. DEMIROK: And I'd direct Respondent's counsel to
25 page 104.

1 Q. BY MS. DEMIROK: When you were asked about the reason
2 given for Mr. Langstaff's termination, isn't it true, I'm
3 going to direct you to line 20, that you said that the reason
4 is a "confrontation, physical."

5 A. "Confrontational, physical. I'm not sure of the
6 specifics."

7 Q. Then you were asked again, "You don't recall the
8 specifics?" And you said no. Is that right?

9 A. I didn't talk to him, no.

10 Q. Okay. And then you were asked even though you can't --
11 you were asked again about whether -- what you meant by
12 confrontational. Isn't it true that you answered that you
13 specifically -- that you "remember specifically about
14 confrontation and a fistfight in the parking lot"?

15 A. Do you want me to read my testimony?

16 Q. I'm just asking is that what you said, that you
17 remembered "specifically about a confrontation and a
18 fistfight in the parking lot."

19 A. What I said was, "No, I remember specifically about a
20 confrontation and a fistfight in the parking lot and some
21 other stuff like that."

22 Q. Okay. So you -- at that time you had a specific
23 recollection about a fistfight in the parking lot as related
24 to Alanzi Langstaff?

25 A. Something like that, yes.

PX 87

**Testimony of Kevin
Michaels Regarding
Schedule**

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,

Respondent(s),

and

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
ARTISTS, AND ALLIED CRAFTS OF THE
UNITED STATES AND CANADA,
LOCAL 720, AFL-CIO,

Charging Party.

Case Nos. 28-CA-219225
28-CA-223339
28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130

The continuation of the above-entitled matter came on
for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**,
Administrative Law Judge, at the **National Labor Relations**
Board, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas,
Nevada, on Friday, September 21, 2018, at 9:00 a.m.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
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<u>I N D E X</u>						<u>VOIR</u>
<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>		<u>DIRE</u>
Kevin Michaels	1514	1535	1577	1582	--	
	1531					

1 out at 11:57, meaning you were 1 hour outside of your
2 schedule. Would you say that didn't happen?

3 A. I wouldn't say, I wouldn't say it didn't happen.

4 Q. On March 10, 2018, you were scheduled to clock in at
5 4:45 p.m. You actually clocked in at 4:29. You were
6 scheduled to clock out at 11:30. You clocked out at 11:48,
7 meaning you were 34 minutes outside of the schedule. Would
8 you say that didn't happen?

9 A. I wouldn't say it didn't happen.

10 Q. And then on March 11th, you were scheduled to be in at
11 4:30. You clocked out [sic] at 4:25. You were scheduled to
12 clock out at 11:00 p.m., yet you indeed clocked out at 9:29
13 p.m., meaning you were outside of your schedule for 1 hour
14 and 36 minutes. Would you say that didn't happen?

15 A. I wouldn't say it didn't happen.

16 Q. So I'm going to ask you again did Ms. DeStefano speak to
17 you about your inability to adhere to your scheduled times in
18 March?

19 A. I don't recall having a meeting about my schedule times.

20 Q. I'm not saying it was a meeting. Did she do it with you
21 on text?

22 A. I don't recall getting a text from her.

23 Q. Do you recall her speaking to you not in a meeting but
24 just in passing?

25 A. The only conversation I believe I had with her about

1 certain schedule times were the inefficiency of the early
2 work calls.

3 Q. Why don't you tell us when that happened and what was
4 said?

5 A. I don't recall when it happened. I just remember
6 mentioning to her that scheduling me for work calls before
7 the shows was pointless because there was a show running,
8 therefore I couldn't get any work done. So it would be
9 better to schedule my work calls for after the show when I
10 would have the stage free to do and work on anything.

11 JUDGE ANZALONE: So other than being scheduled for a
12 work call before your shift, what other reason would you have
13 to show up early?

14 THE WITNESS: I would show up to clock in to get my
15 hours and help set the stage.

16 JUDGE ANZALONE: Okay. But that's just -- that's not a
17 work call?

18 THE WITNESS: No.

19 JUDGE ANZALONE: Okay.

20 Q. BY MR. KAMER: Was there ever an attempt to change your
21 schedule by Ms. DeStefano to accommodate your clocking in and
22 clocking out to the times you were supposed to clock in and
23 clock out?

24 A. Can you rephrase the question?

25 Q. I've just listed 10 instances between the very end of

1 February and March where you were inconsistent in terms of
2 the times you clocked in and clocked out with what your
3 schedule was. Were there not discussions about maybe
4 changing your schedule even before this to try and get you to
5 adhere to the schedule while you were at work?

6 A. I don't recall having other than the one conversation I
7 just mentioned.

8 Q. Okay.

9 A. Can I take a bathroom break?

10 **JUDGE ANZALONE: Yeah, we'll go off the record.**

11 **(Off the record from 11:15 a.m. to 11:23 a.m.)**

12 MR. KAMER: May I proceed?

13 JUDGE ANZALONE: Sure.

14 MR. KAMER: Counsel, ready?

15 MS. DEMIROK: Yes.

16 Q. BY MR. KAMER: So was there a cigarette break area in
17 the garage?

18 A. Not like a specifically assigned one. People would just
19 go out there and smoke.

20 Q. So the theater is a non-smoking facility, or is it a
21 smoking facility?

22 A. It's non-smoking.

23 Q. Non-smoking. And so if people wanted to take smoking
24 breaks, you'd do it in the parking garage by the theater
25 doors; is that correct?

1 Q. Before and after the campaign, correct?

2 A. Yeah, I mean anybody could do it.

3 Q. Now, you -- how many tracks did you actually work for
4 the last 6 months you were there? So let's take it from
5 March -- April, when you got your termination, to like
6 December 2017, how many tracks were you working?

7 A. Okay. For *Vegas! The Show*, I would work track 1, and
8 then off and on work track 17. For the *Beatleshow*, I would
9 work three out of the four tracks.

10 Q. Were you asked at any point in time by any of the stage
11 managers to learn other tracks?

12 A. Asked? Other than when they asked me to learn track 1,
13 no.

14 Q. Were you asked by any of the technical managers, either
15 Tiffany DeStefano or Mr. Pendergraft, during that period of
16 time I just mentioned to learn another track?

17 A. No.

18 Q. And it's your testimony that you never refused to learn
19 another track?

20 A. Yeah, I never refused.

21 Q. Did you ever volunteer to learn another track?

22 A. I was always open, but I never came out and said, hey, I
23 want to learn that track. I did ask Tommy. I suggested that
24 Joey and myself learn the curtain calling track for *Beatles*.

25 Q. When in time did you do that?

1 A. Probably in the last 2 months, maybe 3 before I was
2 terminated.

3 Q. So would that put it into, just so my time frames are
4 correct, January, February?

5 A. Probably.

6 Q. And you asked Tommy that?

7 A. I suggested that everybody on *Beatles* learn all the
8 tracks. And since me and Joey didn't know that track, that
9 we should learn that track to cover for Courtney should she
10 arrive late or be sick.

11 Q. Did you, in fact, learn the track?

12 A. No.

13 Q. Did Joey learn it?

14 A. No.

15 JUDGE ANZALONE: Who did you make that suggestion to?

16 THE WITNESS: I made that suggestion to Tommy.

17 JUDGE ANZALONE: That everybody learn all the tracks?

18 THE WITNESS: Yes.

19 JUDGE ANZALONE: Okay.

20 THE WITNESS: It was only a four track show, and it
21 would just make it easier for everybody to know the tracks.

22 MR. KAMER: I'm just reviewing my notes, Your Honor.

23 JUDGE ANZALONE: Um-hum.

24 Q. BY MR. KAMER: Did you have official scheduled break
25 times?

1 sometimes slack from what I remember. Bear would sometimes
2 slack. Of course, he's no longer working there.

3 MR. KAMER: I didn't hear that last comment.

4 THE WITNESS: I said, of course, he's no longer working
5 there. A lot of times I would say I don't recall
6 individuals, I just remember certain things not being done
7 that we would have to do, other --

8 Q. BY MS. DEMIROK: If you don't recall anybody else
9 individually, that's okay.

10 A. Yeah, I don't recall anybody else individually. I just
11 know that we complained like are they -- say, hey, this
12 wasn't done, or sometimes Tommy would ask why wasn't this
13 done.

14 Q. Okay. You testified about your schedule.

15 A. Yes.

16 Q. Let's say from the period of mid-February or late
17 February to the time that you were discharged.

18 A. Um-hum, yes.

19 Q. Did you ever have any conversations with anyone else in
20 -- like not Tiffany but anyone else in management about your
21 schedule?

22 A. Yeah, I discussed it with Tommy.

23 Q. What kinds of things did you discuss with him?

24 A. I -- he would always bring up how Tiffany was
25 complaining about people clocking in early. And he wasn't

1 necessarily directing it at me. I think he was just venting
2 about having to hear that from her all the time. He would
3 sometimes mention me, but I would tell him like I'm supposed
4 to be full time, I'm supposed to be getting my hours, please
5 inform her of that.

6 Q. If you came in either early or left late for like a
7 scheduled in or out time, what would be your general, if you
8 had one, like a practice of communicating with Mr. Estrada?

9 A. I would usually just talk to him face to face.

10 JUDGE ANZALONE: Before or after?

11 THE WITNESS: A lot -- okay, before Tommy took over the
12 stage manager position and Ken was stage manager, I would
13 always come in early and ask Ken if he needed help setting up
14 the stage early, and he would let me clock in. Now I did
15 this so regular that Ken came up and told me you don't need
16 to question me anymore, just come in, clock in, and do your
17 thing. That same process passed onto Tommy to where he would
18 know I would come in and do my regular routine of helping to
19 set up.

20 However, staying afterwards for work calls and all that,
21 a lot of times Tommy would ask me, hey, are you going to be
22 staying after, because he knew I would stay after to do
23 stuff, to get my hours to make full time. And he would
24 sometimes ask me are you staying after tonight. A lot of
25 times I would say like, yeah, what do you need, and he would

1 sometimes have specific assignments for me to accomplish.

2 JUDGE ANZALONE: Okay.

3 MS. DEMIROK: No further questions.

4 JUDGE ANZALONE: Oh, wait, I'm sorry. Ms. Cohen?

5 MS. COHEN: I have nothing, Your Honor, thank you.

6 **RECROSS-EXAMINATION**

7 Q. BY MR. KAMER: What you just testified to, the staying
8 after.

9 A. Yes.

10 Q. That was different than adhering to your schedule; isn't
11 that correct?

12 A. Yes.

13 Q. And these discussions that you had with Tommy, he did
14 not tell you, you can ignore Ms. DeStefano when she directs
15 you to work a schedule, did he?

16 A. He didn't tell me to ignore her.

17 Q. So you were never given permission to not follow the
18 schedule that Ms. DeStefano had given to you; isn't that
19 correct?

20 A. That is correct.

21 MR. KAMER: No further questions.

22 JUDGE ANZALONE: Okay. All right, sir, as you are well
23 aware, there is an order in this case saying not to discuss
24 your testimony with any other potential witnesses. The case
25 is going to go on for quite a while it looks like. That

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**Testimony of Thomas
Estrada Regarding
Michaels**

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,

Respondent(s),

and

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
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28-RC-219130

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for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**,
Administrative Law Judge, at the **National Labor Relations**
Board, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas,
Nevada, on Thursday, October 25, 2018, at 9:00 a.m.

Free State Reporting, Inc.
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1		<u>I N D E X</u>				
2						VOIR
3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
4						
5	David Saxe	3067	3076	--	--	--
6						
7	Thomas Estrada Sr.	3092	3122	--	--	--
8			3133			
9						
10	Gerard McCambridge	3141	3153	--	--	--
11			3159			
12						
13	Daniel Mecca	3164	3177	--	--	--
14						
15	Stephen Sojack	3191	3202	3220	3232	--
16				3237		
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18	David Montelongo	3239	3246	3268	--	--
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1 A. I recommended it, yes.

2 Q. Why did you recommend termination of Kevin Michaels?

3 A. Attitude was just -- he was good at first, and then just
4 went -- I don't know what happened to him. He was just very
5 angry and just missed a lot of things and not very helpful at
6 all. Was more of a problem for some reason. I don't know
7 why.

8 Q. Try as best you can, and what you're doing is you're
9 summarizing, but give us the examples of what was problematic
10 with his performance?

11 A. Some of his cue were to roll up cords, and Kendra Potler
12 (ph.) said that's not my track, not part of my track no more.
13 Like it is, and he just wouldn't -- I don't know why he is
14 doing those things. I don't know what happened to him. And
15 then I asked him to -- he said he was going to paint some
16 stairs, and it took him forever to paint, months. Just his
17 performance was bad. It didn't seem like he cared anymore.

18 MR. KAMER: Okay. May I take a moment, Your Honor?

19 JUDGE ANZALONE: Sure. Let's go off.

20 (Off the record from 10:28 a.m. to 10:40 a.m.)

21 JUDGE ANZALONE: Back on the record.

22 Let's see. Did you --

23 MR. KAMER: I'm prepared to pass the witness.

24 MS. DEMIROK: General Counsel.

25 JUDGE ANZALONE: Yes, thank you.

1 **CROSS-EXAMINATION**

2 Q. BY MS. DEMIROK: Good morning, Mr. Estrada.

3 A. Hello.

4 Q. So my name is Sara. I represent the General Counsel in
5 this case, and we've done this before, right?

6 A. Yes.

7 Q. Now, before coming here to testify, not necessarily
8 today, but have you met with anybody to talk about what
9 you're going to testify about?

10 A. I talked to you last night.

11 Q. And --

12 JUDGE ANZALONE: What -- just to be clear. You mean you
13 talked to the lawyers?

14 THE WITNESS: Yeah. I'm sorry.

15 JUDGE ANZALONE: Okay. That's okay.

16 Q. BY MS. DEMIROK: Have you talked with anyone else?

17 A. No.

18 Q. Did you look at any documents before testifying?

19 A. Uh-uh.

20 JUDGE ANZALONE: Is that no?

21 THE WITNESS: No.

22 Q. BY MS. DEMIROK: You mentioned that you were trying to
23 contact Zach about his return to work?

24 A. Yeah.

25 Q. How were you trying to contact him?

- 1 A. On his phone.
- 2 Q. So you would call him?
- 3 A. Yeah, work and how he's doing, everything.
- 4 Q. What phone did you use?
- 5 A. What?
- 6 Q. What phone did you use?
- 7 A. Probably mine.
- 8 Q. Do you have a cell phone?
- 9 A. Yes.
- 10 Q. What's your cell phone number?
- 11 JUDGE ANZALONE: Just the last 4 is fine.
- 12 THE WITNESS: 9050, 9-0-5-0.
- 13 Q. BY MS. DEMIROK: Did you send him any text messages?
- 14 A. I don't think so.
- 15 Q. And you said I think earlier that maybe Courtney had
- 16 tried to contact him as well?
- 17 A. Yeah.
- 18 Q. How do you know that?
- 19 A. Because I was right next to her.
- 20 Q. Well, do you know what -- like how is it that she tried
- 21 to contact him?
- 22 A. Just we was sitting there, and I said, man, I wonder how
- 23 Zach's doing. I tried to calling him. Call him and see if
- 24 he answers you, and he never did. It's just unusual for him
- 25 because he always answered her calls.

1 Q. Do you know the last four digits of Courtney's phone
2 number?

3 A. No.

4 Q. Did you have any conversations with Tiffany DeStefano
5 about your attempts to contact Zach?

6 A. I told her I tried to call him. That was about it.

7 Q. When did you tell her that?

8 A. Probably since he was out, and I tried calling him and
9 he didn't call me back. So I don't know. A couple times a
10 week maybe. Every 2 weeks. I don't know. I know I told
11 her. So several times.

12 Q. So from --

13 A. And she tried calling, too, I guess. So --

14 Q. So from the time that he broke his arm to the time, I
15 don't know, let's say until April 1st, so that that would
16 have been after he was fired, how many times would you say
17 you tried to call him?

18 A. It was probably just a couple when he first broke his
19 arm, and then I seen him on stage a couple of times because
20 he'd give me some pointers on fixing the stage and that was
21 it. I don't recall anything else from Zach. I didn't talk
22 to him on his phone for a while, and I hardly even talked to
23 him on his phone anyway. So just when he was hurt I wanted
24 to see what to do.

25 Q. He was giving you some pointers on how to fix the stage?

- 1 A. Yeah, just some tips.
- 2 Q. That was the night of the big work call, right?
- 3 A. No, it wasn't that night.
- 4 Q. How do you know that?
- 5 A. Because it was later on. It was already flipped.
- 6 Q. Well, the stage was flipped in stages, right?
- 7 A. No, I think it was all one time, I think.
- 8 Q. Was it the night that the stage was painted?
- 9 A. No, it couldn't have been.
- 10 Q. It couldn't have been.
- 11 A. No.
- 12 Q. Why do you say that?
- 13 A. Because it just didn't happen in that time frame.
- 14 Q. Was it on the day that you attended the production
- 15 meeting?
- 16 A. What was that?
- 17 Q. Was it on the day that you attended the production
- 18 meeting?
- 19 A. No.
- 20 Q. How are you sure about that?
- 21 A. It wasn't like that. I know it wasn't. It didn't
- 22 happen like that. It was something we used to talk about.
- 23 Q. So when was it that he was giving you pointers?
- 24 A. It was when Jason was there. So it would have been his
- 25 project. So, yeah, it was way before I guess. I don't know.

1 Jason was flipping the stage. So she was having him working
2 there.

3 Q. Isn't -- didn't Zach break his arm after Jason got
4 fired?

5 A. I don't know exactly. I don't know nothing. I mean --

6 Q. Okay. You mentioned -- you talked about Kevin Michaels
7 and how you recommended his termination?

8 A. Uh-huh.

9 Q. Who did you make that recommendation to?

10 A. Tiffany.

11 Q. What did you tell her?

12 A. I think Kevin should go. He's becoming a problem. He's
13 not listening. He's not doing what I ask. So that's what I
14 told her.

15 Q. Kevin worked for the Company for several years, right?

16 A. Probably a couple of years, yeah.

17 Q. So you worked with him for a long time.

18 A. Yeah.

19 Q. Would that be fair to say?

20 A. Yeah.

21 Q. And then you said you don't know what happened to him.
22 You said that, right?

23 A. To? I didn't understand.

24 Q. In your testimony. Was that ever a thought of yours,
25 you just didn't know what happened to Kevin Michaels?

1 A. I don't know what happened to him. Because I just
2 recommended it. That's all I did. So I didn't know what
3 happened from there.

4 Q. No, I mean like what, what changed about Mr. Michaels?
5 Because I'm assuming you thought he was a good worker at some
6 point, right?

7 A. He was at one point, but then he just -- I don't know.
8 He -- and not locking down boxes, that was supposed to be
9 safe and stuff. He was just not doing the stuff right. I
10 don't know why. I asked him several times to straighten up,
11 and he just didn't want to.

12 JUDGE ANZALONE: Did his performance change when you
13 were the stage manager, during that period of time?

14 THE WITNESS: Yeah, it felt like that, because Ken was a
15 little different than me. So I felt, you know, I was getting
16 stepped on a lot actually. So --

17 JUDGE ANZALONE: So when you started being the stage
18 manager, you think he started to have problems with that?

19 THE WITNESS: Yeah. I do, yeah.

20 Q. BY MS. DEMIROK: And you became the stage manager
21 sometime in 2017?

22 A. Yeah.

23 Q. Now, some other stagehands work full time; is that
24 right?

25 A. Yeah, some of them are.

- 1 Q. And so the stagehands that work full time, they have to
2 get their hours outside of show times.
- 3 A. Um-hum.
- 4 Q. Right?
- 5 A. Yes.
- 6 Q. So they'll do things around the stage like for work
7 calls; is that right?
- 8 A. Yeah. It depends on what the hours are that week they
9 have.
- 10 Q. And Kevin Michaels was a full-time employee, right?
- 11 A. Yeah.
- 12 Q. And so he would work outside of the show times and do
13 work during work calls, right?
- 14 A. Every now and then, yeah.
- 15 Q. And you play a part in telling the stagehands what needs
16 to be done during the work calls, right?
- 17 A. I took over the position, yeah, I do.
- 18 Q. And --
- 19 A. And he had his own suggestions. So I tried to have --
20 give him his work, too, and let him do his own little things
21 and see what comes out of it.
- 22 Q. So you would be paying attention to what kind of tasks
23 he was doing outside of the stage?
- 24 A. Yeah, yeah.
- 25 Q. And let's just try to, try to wait until I finish the

1 sentence.

2 A. Okay.

3 Q. Okay. So you would pay attention to the work that he
4 was performing during the work calls?

5 A. Yeah. Yes.

6 Q. And sometimes he would come to you with suggestions on
7 what needed to be done during the work call?

8 A. Yes.

9 Q. And the work calls could be between shows? That's -- is
10 that right?

11 A. Not between shows. It would be after shows or in the
12 mornings.

13 Q. So it would be hard to get work done in between shows.

14 A. Unless something needed to be fixed at that moment, yes,
15 we will fix it, and if it's safety, yes. We will fix it.

16 Q. But typically, if it's -- typically, like you said, it
17 would be after a show, right?

18 A. Yeah, sort of like him, yeah.

19 Q. So that's --

20 A. Or in the morning if he wanted to.

21 Q. But -- and Kevin Michaels didn't generally work in the
22 mornings; is that right?

23 A. No.

24 Q. So he would usually do -- perform his work -- call work
25 after the shows, right?

- 1 A. Yeah, or rehearsals, yeah.
- 2 Q. And you were aware of that, right?
- 3 A. Yeah.
- 4 Q. And so even if -- there was a schedule posted for
- 5 employees, right?
- 6 A. Uh-huh.
- 7 Q. And this is back in let's say February of 2018.
- 8 A. Okay.
- 9 Q. There would be a schedule posted that would show the
- 10 work call times; is that right?
- 11 A. No.
- 12 Q. No.
- 13 A. No.
- 14 Q. What about in March of 2018?
- 15 A. On my schedule, no, there was not. There's other
- 16 schedules out there though, but I hardly read those. I just
- 17 read my own.
- 18 Q. You just read your own?
- 19 A. Yes.
- 20 Q. Okay. You mentioned that you spoke with Alanzi
- 21 Langstaff both inside and outside of work?
- 22 A. Yep.
- 23 Q. And when you spoke to him outside of work, do you know
- 24 him personally?
- 25 A. Yeah.

PX 89

Emails Between
Graham and DeStefano



Tiffany DeStefano <tdestefano@vtheater.com>

Zach time off note

10 messages

Zach Graham <crimsonzigig@yahoo.com>
To: Tiffany DeStefano <tdestefano@vtheater.com>

Mon, Feb 26, 2018 at 12:21 PM

I get a cast on tuesday and get more information on the condition of my arm

 SKM_C45818022612500.pdf
37K

Tiffany DeStefano <tdestefano@vtheater.com>
To: Zach Graham <crimsonzigig@yahoo.com>

Mon, Feb 26, 2018 at 12:23 PM

Just to make sure I'm not reading the note wrong, are you returning to work today? Or waiting until you have a full cast and returning on Wednesday?

From: Zach Graham [mailto:crimsonzigig@yahoo.com]
Sent: Monday, February 26, 2018 12:21 PM
To: Tiffany DeStefano <tdestefano@vtheater.com>
Subject: Zach time off note

I get a cast on tuesday and get more information on the condition of my arm

Zach Graham <crimsonzigig@yahoo.com>
To: Tiffany DeStefano <tdestefano@vtheater.com>

Wed, Feb 28, 2018 at 9:57 AM

I can return to work today if you need but still cant use my right hand and am limited in lifting anything heavy. I have a surgery on monday to get my arm fixed and a follow up that friday.
[Quoted text hidden]

Tiffany DeStefano <tdestefano@vtheater.com>
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>, Qiana Brass <qbrass@davidsaxe.com>

Wed, Feb 28, 2018 at 10:01 AM

Hi,

Okay so I just heard back from Zach regarding this email a few minutes ago. I forgot if I sent you guys this on Monday but attached is his doctors note and he said "I can return to work today if you need but still cant use my right hand and am limited in lifting anything heavy. I have a surgery on monday to get my arm fixed and a follow up that friday."

I am unsure how to proceed here. I don't want to deny him work but him being on that stage like this before surgery scares me (even cues has to move items and do things). I just fear putting him on the stage and being a liability. Please let me know what to do.

Sent from my iPhone

Begin forwarded message:

G.C. Exh.
No. 23


9/5/2018

David Saxe Productions Mail - Zach time off note

From: Zach Graham <crimsonzigig@yahoo.com>
Date: February 26, 2018 at 12:21:17 PM PST
To: "Tdestefano@vtheater.com" <Tdestefano@vtheater.com>
Subject: Zach time off note

I get a cast on tuesday and get more information on the condition of my arm

2 attachments

 **SKM_C45818022612500.pdf**
37K

 **ATT00001.htm**
1K

Takeshia Carrigan <tcarrigan@davidsaxe.com>
To: Tiffany DeStefano <tdestefano@vtheater.com>, Qiana Brass <qbrass@davidsaxe.com>

Wed, Feb 28, 2018 at 10:25 AM

Quick question, did he get hurt at work?

TC

From: Tiffany DeStefano
Sent: Wednesday, February 28, 2018 10:02 AM
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>; Qiana Brass <qbrass@davidsaxe.com>
Subject: Fwd: Zach time off note

[Quoted text hidden]

Tiffany DeStefano <tdestefano@vtheater.com>
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>
Cc: Qiana Brass <qbrass@davidsaxe.com>

Wed, Feb 28, 2018 at 10:46 AM

No it was after he left our property

Sent from my iPhone
[Quoted text hidden]

Takeshia Carrigan <tcarrigan@davidsaxe.com>
To: Tiffany DeStefano <tdestefano@vtheater.com>
Cc: Qiana Brass <qbrass@davidsaxe.com>

Wed, Feb 28, 2018 at 11:25 AM

I will get back to you on this later today.

From: Tiffany DeStefano
Sent: Wednesday, February 28, 2018 10:46 AM
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>
Cc: Qiana Brass <qbrass@davidsaxe.com>
Subject: Re: Zach time off note

[Quoted text hidden]

Tiffany DeStefano <tdestefano@vtheater.com>
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>
Cc: Qiana Brass <qbrass@davidsaxe.com>

Wed, Feb 28, 2018 at 11:25 AM

Copy
Thank you

Sent from my iPhone
[Quoted text hidden]

Takeshia Carrigan <tcarrigan@davidsaxe.com>
To: Tiffany DeStafano <tdestefano@vtheater.com>

Mon, Apr 9, 2018 at 5:58 PM


From: Tiffany DeStefano <tdestefano@vtheater.com>
Sent: Wednesday, February 28, 2018 10:02 AM
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>; Qiana Brass <qbrass@davidsaxe.com>
Subject: Fwd: Zach time off note

Hi,

[Quoted text hidden]

2 attachments

 **ATT00001.htm**
1K

 **SKM_C45818022612500.pdf**
37K

Tiffany DeStafano <tdestefano@vtheater.com>
To: Takeshia Carrigan <tcarrigan@davidsaxe.com>

Mon, Apr 9, 2018 at 6:05 PM

Tiffany DeStefano

Production Coordinator

David Saxe Productions / V Theater Group

Direct: 702.318.6473

Cell: 702.379.2825

Work Release Form

This notice verifies that your employee
was seen in this facility today (or on if checked []).

He/she may return to work on 2/25/2018 with the following restrictions:

None: []

No heavy lifting: [X] (over pounds)

No prolonged standing: []

Desk Work Only: []

Other: [] (described below)

Please follow up with ortho doc for extended work release form

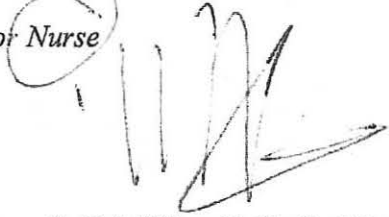
These restrictions apply through . After this date, your employee should be able to participate fully in work duties.

Be Advised:

If symptoms continue and the employee is unable to perform the full duties of their job by this date, please advise the employee to make an appointment with your worker's comp physician. If that is not possible, the employee should see his or her own doctor or the referral doctor provided by us.

Physician or Nurse

Notes:



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PX 90

Graham Cellular
Telephone Records

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SEARCH

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Are you sure you want to log out of My T-Mobile?

Aviso

¡Hola! La nueva experiencia de Mi T-Mobile en español está en construcción. Sentimos la molestia que esto te ocasiona. Si necesitas asistencia con tu cuenta en español, por favor llama a atención al cliente al 1-877-453-1304.

You are leaving this site

You are leaving this site

You are leaving this site

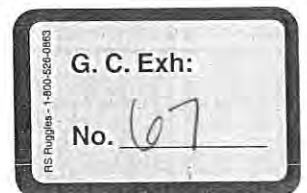
You are leaving this site

Zachary, (702) 994-9066

Jan. 27 - Feb. 26, 2018



- [Aug. 27 - Current](#)



- [Jul. 27 - Aug. 26, 2018](#)
- [Jun. 27 - Jul. 26, 2018](#)
- [May. 27 - Jun. 26, 2018](#)
- [Apr. 27 - May. 26, 2018](#)
- [Mar. 27 - Apr. 26, 2018](#)
- [Feb. 27 - Mar. 26, 2018](#)
- [Jan. 27 - Feb. 26, 2018](#)
- [Dec. 27 - Jan. 26, 2018](#)
- [Nov. 27 - Dec. 26, 2017](#)
- [Nov. 26 - Nov. 26, 2017](#)

You currently do not have any bills, please check back later.

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Ok

Cancel

- [Voice](#)
- [Messaging](#)
- [Data](#)
- [T-Mobile purchases](#)
- [Third-party purchases](#)
- [All](#)
- [Charged](#)
- [Filter](#)

Total use: 264 minutes

Total charges: \$0.00

<u>Date & Time (Pacific)</u>	<u>Destination</u>	<u>Number</u>	<u>Min</u>	<u>Type</u>	<u>Charge</u>
02/26/18, 10:11 PM	Incoming	(702) 539-7534	1	T-Mobile to T-Mobile	--
02/26/18, 7:25 PM	Incoming	(702) 539-7534	2	T-Mobile to T-Mobile	--
02/26/18, 12:57 PM	Incoming	(702) 612-4029	5	--	--
02/26/18, 11:51 AM	Incoming	(702) 341-0104	1	--	--
02/26/18, 11:42 AM	Incoming	(702) 676-5279	4	--	--
02/26/18, 10:01 AM	Incoming	(484) 202-6187	1	--	--
02/26/18, 7:43 AM	to LAS VEGAS/NV	(702) 901-3760	1	--	--
02/25/18, 9:11 PM	to LAS VEGAS/NV	(702) 624-4636	15	--	--
02/24/18, 8:53 PM	Incoming	(702) 612-4029	1	--	--
02/24/18, 8:43 PM	Incoming	(702) 572-9050	2	--	--
02/24/18, 1:05 PM	Incoming	(702) 539-4518	1	T-Mobile to T-Mobile	--
02/24/18, 12:17 PM	Incoming	(702) 539-4518	2	T-Mobile to T-Mobile	--
02/24/18, 12:15 PM	Incoming	(702) 539-4518	2	T-Mobile to T-Mobile	--
02/23/18, 1:24 PM	Incoming	(702) 539-4518	3	T-Mobile to T-Mobile	--
02/23/18, 1:16 PM	to LAS VEGAS/NV	(702) 539-4518	8	T-Mobile to T-Mobile	--
02/23/18, 11:54 AM	VM Retrieval	123	1	Voicemail	--
02/23/18, 8:18 AM	to LAS VEGAS/NV	(702) 228-9911	1	--	--
02/22/18, 7:19 PM	to LAS VEGAS/NV	(702) 612-4029	1	--	--
02/22/18, 7:19 PM	Incoming	(702) 901-3760	2	--	--
02/22/18, 7:18 PM	Incoming	(702) 612-4029	1	--	--

02/22/18, 5:58 PM	to LAS VEGAS/NV (702) 539-4518 2	T-Mobile to T-Mobile --
02/22/18, 4:42 PM	to LAS VEGAS/NV (702) 731-1616 2	-- --
02/22/18, 4:38 PM	to LAS VEGAS/NV (702) 731-1616 3	-- --
02/22/18, 4:37 PM	to LAS VEGAS/NV (702) 731-1616 1	-- --
02/22/18, 4:05 PM	Incoming (702) 539-4518 3	T-Mobile to T-Mobile --
02/22/18, 3:47 PM	Incoming (702) 539-4518 1	T-Mobile to T-Mobile --
02/22/18, 3:43 PM	Incoming (702) 539-4518 2	T-Mobile to T-Mobile --
02/22/18, 3:37 PM	Incoming (702) 612-4029 2	-- --
02/22/18, 3:28 PM	to LAS VEGAS/NV (702) 539-4518 2	T-Mobile to T-Mobile --
02/22/18, 3:24 PM	to LAS VEGAS/NV (702) 798-8585 5	-- --
02/22/18, 12:18 PM	to LAS VEGAS/NV (702) 539-4518 2	T-Mobile to T-Mobile --
02/22/18, 12:16 PM	to LAS VEGAS/NV (702) 894-9422 3	-- --
02/22/18, 11:30 AM	to LAS VEGAS/NV (702) 539-4518 3	T-Mobile to T-Mobile --
02/22/18, 11:18 AM	Incoming (702) 539-7534 10	T-Mobile to T-Mobile --
02/22/18, 9:46 AM	Incoming (702) 341-0106 2	-- --
02/22/18, 9:10 AM	to LAS VEGAS/NV (702) 894-9422 1	-- --
02/22/18, 8:46 AM	Incoming (702) 767-6673 5	-- --
02/22/18, 8:43 AM	to LAS VEGAS/NV (702) 878-0393 1	-- --
02/22/18, 8:42 AM	to LAS VEGAS/NV (702) 894-9422 1	-- --
02/22/18, 8:40 AM	to LAS VEGAS/NV (702) 539-4518 3	T-Mobile to T-Mobile --
02/22/18, 8:27 AM	to LAS VEGAS/NV (702) 798-8585 8	-- --
02/22/18, 8:26 AM	to LAS VEGAS/NV (702) 539-7534 1	T-Mobile to T-Mobile --
02/22/18, 8:03 AM	to LAS VEGAS/NV (702) 539-7534 1	T-Mobile to T-Mobile --
02/22/18, 7:51 AM	to LAS VEGAS/NV (702) 798-8585 1	-- --
02/21/18, 8:29 PM	to LAS VEGAS/NV (702) 572-9050 3	-- --
02/21/18, 8:27 PM	to LAS VEGAS/NV (702) 624-4636 1	-- --
02/21/18, 3:53 PM	Incoming (702) 228-9911 1	-- --
02/21/18, 3:39 PM	Incoming (702) 539-4518 1	Call Waiting --
02/21/18, 3:27 PM	Incoming (702) 612-4029 13	-- --
02/21/18, 3:01 PM	to LAS VEGAS/NV (702) 539-4518 1	T-Mobile to T-Mobile --

- [All](#)
- [Charged](#)
- [Filter](#)

Total use: messages

Total charges:

Date & Time (Pacific) Destination Number Direction Type Charge

- [All](#)
- [Charged](#)
- [Filter](#)

Total use: 2.98 GB

Total charges: \$0.00

Date & Time (Pacific) Service Type Usage Charge

05/26/18, 9:43 PM - Mobile Internet 0.0087 MB --

05/26/18, 8:26 PM	-	Mobile Internet 0.0810 MB	--
05/26/18, 1:16 PM	-	Mobile Internet 0.0039 MB	--
05/25/18, 7:48 PM	-	Mobile Internet 0.0205 MB	--
05/25/18, 4:41 PM	-	Mobile Internet 2.0595 MB	--
05/25/18, 2:44 PM	-	Mobile Internet 9.5468 MB	--
05/25/18, 2:38 PM	-	Mobile Internet 0.0556 MB	--
05/25/18, 12:46 PM	-	Mobile Internet 0.3974 MB	--
05/25/18, 11:41 AM	-	Mobile Internet 345.6757 MB	--
05/25/18, 9:41 AM	-	Mobile Internet 96.0078 MB	--
05/24/18, 8:11 PM	-	Mobile Internet 0.2353 MB	--
05/24/18, 6:47 PM	-	Mobile Internet 34.7558 MB	--
05/24/18, 2:20 PM	-	Mobile Internet 0.0078 MB	--
05/24/18, 12:48 PM	-	Mobile Internet 8.8564 MB	--
05/23/18, 6:12 PM	-	Mobile Internet 0.0302 MB	--
05/23/18, 4:37 PM	-	Mobile Internet 23.9169 MB	--
05/23/18, 3:23 PM	-	Mobile Internet 0.1484 MB	--
05/23/18, 1:30 PM	-	Mobile Internet 0.6621 MB	--
05/23/18, 12:47 PM	-	Mobile Internet 0.1894 MB	--
05/23/18, 10:47 AM	-	Mobile Internet 0.4033 MB	--
05/23/18, 10:06 AM	-	Mobile Internet 0.1562 MB	--
05/23/18, 8:28 AM	-	Mobile Internet 11.9990 MB	--
05/23/18, 6:33 AM	-	Mobile Internet 1.9580 MB	--
05/23/18, 4:50 AM	-	Mobile Internet 69.7626 MB	--
05/22/18, 7:54 PM	-	Mobile Internet 0.1552 MB	--
05/22/18, 12:12 PM	-	Mobile Internet 7.7597 MB	--
05/22/18, 10:11 AM	-	Mobile Internet 45.6933 MB	--
05/21/18, 9:23 PM	-	Mobile Internet 10.7041 MB	--
05/21/18, 7:24 PM	-	Mobile Internet 14.4804 MB	--
05/21/18, 5:24 PM	-	Mobile Internet 9.2089 MB	--
05/21/18, 3:24 PM	-	Mobile Internet 0.4912 MB	--
05/21/18, 1:53 PM	-	Mobile Internet 1.9814 MB	--
05/21/18, 12:08 PM	-	Mobile Internet 0.4619 MB	--
05/21/18, 10:17 AM	-	Mobile Internet 10.0683 MB	--
05/20/18, 3:34 PM	-	Mobile Internet 0.5400 MB	--
05/20/18, 1:40 PM	-	Mobile Internet 30.2988 MB	--
05/20/18, 6:30 AM	-	Mobile Internet 0.0009 MB	--
05/20/18, 1:23 AM	-	Mobile Internet 0.0029 MB	--
05/19/18, 11:23 PM	-	Mobile Internet 0.2734 MB	--
05/19/18, 9:23 PM	-	Mobile Internet 4.3271 MB	--
05/19/18, 7:51 PM	-	Mobile Internet 31.9912 MB	--
05/19/18, 5:51 PM	-	Mobile Internet 6.8457 MB	--
05/19/18, 4:14 PM	-	Mobile Internet 17.5781 MB	--
05/19/18, 2:46 PM	-	Mobile Internet 51.2060 MB	--
05/19/18, 2:33 PM	-	Mobile Internet 0.0263 MB	--
05/19/18, 2:30 PM	-	Mobile Internet 0.0156 MB	--
05/18/18, 10:47 PM	-	Mobile Internet 17.3388 MB	--

05/18/18, 8:47 PM	-	Mobile Internet 0.0712 MB	--
05/18/18, 7:03 PM	-	Mobile Internet 0.2578 MB	--
05/18/18, 6:37 PM	-	Mobile Internet 0.4267 MB	--

- [All](#)
- [Charged](#)
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Total charges: \$0.00

- [All](#)
- [Charged](#)
- [Filter](#)

Total charges: \$0.00

Date & Time (Pacific) Description Provider Vendor Category Type Charge

* To see your complete usage details please switch to a larger screen or download the usage records.

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-
- [1](#)
- [2](#)
- [3](#)
- [Next](#)

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Date & Time (Pacific) Content Provider Description Category Type Charge

- Additional usage details
- Number
- Destination
- T-Mobile ID
- Type
- Date
- Time
- Duration

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Contact us

Give us a call

Get in touch, free of charge: Just dial **611** from your T-Mobile phone or call **1 800-937-8997**. Customer Care representatives are available from 6 a.m. to 10 p.m., 7 days a week. Automated account help is available 24 hours a day, 7 days a week.

Address

Send your questions and comments to:

T-Mobile Customer Relations

P.O. Box 37380

Albuquerque, NM 87176-7380

Note: Please don't send payments to this address.

Email

[Send us your questions](#) and a Customer Care representative will email you a response.

OK

Your session is about to time out

You will automatically log out from your current session in:

Dial us for info

Just dial one of the following short codes from your T-Mobile phone and hit "Send", and we'll give you the info you need instantly. It's fast, and free!

- Account balance
- #BAL#(#225#)
- Current message use
- #MSG#(#674#)
- Turn voicemail password on or off
- #PWO#(#796#)
- Current minute usage
- #MIN#(#646#)
- Reset voicemail password
- #PWD#(#793#)

If you would like to remain logged in to T-Mobile, please click "OK."

OK

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Cancel

Are you sure you want to log out of My T-Mobile?

OK

CANCEL

Aviso

¡Hola! La nueva experiencia de Mi T-Mobile en español está en construcción. Sentimos la molestia que esto te ocasiona. Si necesitas asistencia con tu cuenta en español, por favor llama a atención al cliente al 1-877-453-1304.

Continuar en inglés

Salir

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OK

CANCEL

You are leaving this site

Ok

Cancel

You are leaving this site

Ok

Cancel

You are leaving this site

Ok

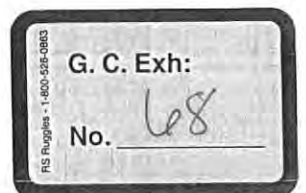
Cancel

Zachary, (702) 994-9066

Feb. 27 - Mar. 26, 2018



- [Aug. 27 - Current](#)



- [Jul. 27 - Aug. 26, 2018](#)
- [Jun. 27 - Jul. 26, 2018](#)
- [May. 27 - Jun. 26, 2018](#)
- [Apr. 27 - May. 26, 2018](#)
- [Mar. 27 - Apr. 26, 2018](#)
- [Feb. 27 - Mar. 26, 2018](#)
- [Jan. 27 - Feb. 26, 2018](#)
- [Dec. 27 - Jan. 26, 2018](#)
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You currently do not have any bills, please check back later.

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- [Messaging](#)
- [Data](#)
- [T-Mobile purchases](#)
- [Third-party purchases](#)
- [All](#)
- [Charged](#)
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Total use: 194 minutes

Total charges: \$0.00

<u>Date & Time (Pacific)</u>	<u>Destination</u>	<u>Number</u>	<u>Min</u>	<u>Type</u>	<u>Charge</u>
03/04/18, 11:23 AM	to LAS VEGAS/NV	(702) 901-3760 1	--		--
03/04/18, 11:11 AM	to LAS VEGAS/NV	(702) 612-4029 1	--		--
03/04/18, 10:53 AM	to LAS VEGAS/NV	(702) 612-4029 1	--		--
03/03/18, 5:13 PM	to LAS VEGAS/NV	(702) 612-4029 1	--		--
03/03/18, 11:57 AM	to LAS VEGAS/NV	(702) 901-3760 2	--		--
03/03/18, 11:27 AM	Incoming	(702) 612-4029 3	--		--
03/02/18, 9:21 PM	to LAS VEGAS/NV	(702) 539-7534 8		T-Mobile to T-Mobile	--
03/02/18, 4:42 PM	Incoming	(702) 341-0107 1	--		--
03/02/18, 4:24 PM	Incoming	(702) 612-4029 7	--		--
03/02/18, 1:57 PM	to LAS VEGAS/NV	(702) 612-4029 1	--		--
03/02/18, 10:29 AM	Incoming	(702) 853-3000 9	--		--
02/28/18, 8:13 PM	Incoming	(702) 901-3760 1	--		--
02/28/18, 7:00 PM	Incoming	(702) 901-3760 1	--		--
02/28/18, 6:22 PM	Incoming	(702) 480-7220 5	--		--
02/27/18, 1:13 PM	Incoming	(702) 612-4029 4	--		--
02/27/18, 11:34 AM	Incoming	(702) 539-4518 2		T-Mobile to T-Mobile	--
02/27/18, 11:30 AM	to LAS VEGAS/NV	(702) 539-4518 3		T-Mobile to T-Mobile	--

- [All](#)
- [Charged](#)
- [Filter](#)

Total use: messages**Total charges:****Date & Time (Pacific) Destination Number Direction Type Charge**

- [All](#)
- [Charged](#)
- [Filter](#)

Total use: 2.98 GB**Total charges:** \$0.00**Date & Time (Pacific) Service Type Usage Charge**

05/26/18, 9:43 PM	-	Mobile Internet	0.0087 MB	--
05/26/18, 8:26 PM	-	Mobile Internet	0.0810 MB	--
05/26/18, 1:16 PM	-	Mobile Internet	0.0039 MB	--
05/25/18, 7:48 PM	-	Mobile Internet	0.0205 MB	--
05/25/18, 4:41 PM	-	Mobile Internet	2.0595 MB	--
05/25/18, 2:44 PM	-	Mobile Internet	9.5468 MB	--
05/25/18, 2:38 PM	-	Mobile Internet	0.0556 MB	--
05/25/18, 12:46 PM	-	Mobile Internet	0.3974 MB	--
05/25/18, 11:41 AM	-	Mobile Internet	345.6757 MB	--
05/25/18, 9:41 AM	-	Mobile Internet	96.0078 MB	--
05/24/18, 8:11 PM	-	Mobile Internet	0.2353 MB	--
05/24/18, 6:47 PM	-	Mobile Internet	34.7558 MB	--
05/24/18, 2:20 PM	-	Mobile Internet	0.0078 MB	--
05/24/18, 12:48 PM	-	Mobile Internet	8.8564 MB	--
05/23/18, 6:12 PM	-	Mobile Internet	0.0302 MB	--
05/23/18, 4:37 PM	-	Mobile Internet	23.9169 MB	--
05/23/18, 3:23 PM	-	Mobile Internet	0.1484 MB	--
05/23/18, 1:30 PM	-	Mobile Internet	0.6621 MB	--
05/23/18, 12:47 PM	-	Mobile Internet	0.1894 MB	--
05/23/18, 10:47 AM	-	Mobile Internet	0.4033 MB	--
05/23/18, 10:06 AM	-	Mobile Internet	0.1562 MB	--
05/23/18, 8:28 AM	-	Mobile Internet	11.9990 MB	--
05/23/18, 6:33 AM	-	Mobile Internet	1.9580 MB	--
05/23/18, 4:50 AM	-	Mobile Internet	69.7626 MB	--
05/22/18, 7:54 PM	-	Mobile Internet	0.1552 MB	--
05/22/18, 12:12 PM	-	Mobile Internet	7.7597 MB	--
05/22/18, 10:11 AM	-	Mobile Internet	45.6933 MB	--
05/21/18, 9:23 PM	-	Mobile Internet	10.7041 MB	--
05/21/18, 7:24 PM	-	Mobile Internet	14.4804 MB	--
05/21/18, 5:24 PM	-	Mobile Internet	9.2089 MB	--
05/21/18, 3:24 PM	-	Mobile Internet	0.4912 MB	--
05/21/18, 1:53 PM	-	Mobile Internet	1.9814 MB	--
05/21/18, 12:08 PM	-	Mobile Internet	0.4619 MB	--
05/21/18, 10:17 AM	-	Mobile Internet	10.0683 MB	--

05/20/18, 3:34 PM	-	Mobile Internet 0.5400 MB	--
05/20/18, 1:40 PM	-	Mobile Internet 30.2988 MB	--
05/20/18, 6:30 AM	-	Mobile Internet 0.0009 MB	--
05/20/18, 1:23 AM	-	Mobile Internet 0.0029 MB	--
05/19/18, 11:23 PM	-	Mobile Internet 0.2734 MB	--
05/19/18, 9:23 PM	-	Mobile Internet 4.3271 MB	--
05/19/18, 7:51 PM	-	Mobile Internet 31.9912 MB	--
05/19/18, 5:51 PM	-	Mobile Internet 6.8457 MB	--
05/19/18, 4:14 PM	-	Mobile Internet 17.5781 MB	--
05/19/18, 2:46 PM	-	Mobile Internet 51.2060 MB	--
05/19/18, 2:33 PM	-	Mobile Internet 0.0263 MB	--
05/19/18, 2:30 PM	-	Mobile Internet 0.0156 MB	--
05/18/18, 10:47 PM	-	Mobile Internet 17.3388 MB	--
05/18/18, 8:47 PM	-	Mobile Internet 0.0712 MB	--
05/18/18, 7:03 PM	-	Mobile Internet 0.2578 MB	--
05/18/18, 6:37 PM	-	Mobile Internet 0.4267 MB	--

- [All](#)
- [Charged](#)
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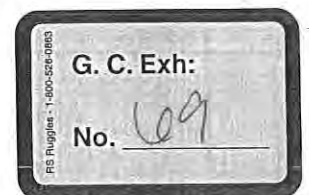
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<u>Date & Time (Pacific)</u>	<u>Destination</u>	<u>Number</u>	<u>Min</u>	<u>Type</u>	<u>Charge</u>
03/25/18, 4:00 PM	Incoming	(702) 767-6673	3	--	--
03/25/18, 2:44 PM	to LAS VEGAS/NV	(702) 767-6673	1	--	--
03/24/18, 10:43 AM	Incoming	(702) 901-3760	2	--	--
03/23/18, 9:22 PM	Incoming	(702) 767-6673	6	--	--
03/23/18, 9:55 AM	Incoming	(702) 994-1534	1	T-Mobile to T-Mobile	--
03/22/18, 2:37 PM	to LAS VEGAS/NV	(702) 539-7534	5	T-Mobile to T-Mobile	--
03/22/18, 2:24 PM	to LAS VEGAS/NV	(702) 539-4518	12	T-Mobile to T-Mobile	--
03/22/18, 9:38 AM	VM Retrieval	123	1	Voicemail	--
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03/22/18, 9:07 AM	Incoming	(702) 612-4029	1	--	--
03/21/18, 6:38 PM	to LAS VEGAS/NV	(702) 379-2825	1	--	--
03/21/18, 9:57 AM	to LAS VEGAS/NV	(702) 901-3760	1	--	--
03/21/18, 9:57 AM	Incoming	(702) 676-5279	3	--	--
03/21/18, 9:25 AM	Incoming	(702) 612-4029	3	--	--
03/20/18, 7:02 PM	Incoming	(702) 901-3760	2	--	--
03/20/18, 3:12 PM	Incoming	(727) 424-1000	2	--	--
03/20/18, 2:29 PM	to LAS VEGAS/NV	(702) 612-4029	1	--	--
03/20/18, 12:44 PM	to LAS VEGAS/NV	(702) 612-4029	7	--	--
03/20/18, 12:30 PM	Incoming	(702) 767-6673	10	--	--
03/19/18, 8:47 PM	to LAS VEGAS/NV	(702) 622-6328	3	T-Mobile to T-Mobile	--

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03/19/18, 9:09 AM	Incoming	(702) 997-6797 1	--	--
03/19/18, 8:49 AM	Incoming	(702) 612-4029 2	--	--
03/16/18, 6:55 PM	Incoming	(702) 612-4029 1	--	--
03/14/18, 1:27 PM	Incoming	(702) 676-5279 2	--	--
03/13/18, 11:16 PM	to LAS VEGAS/NV	(702) 466-4016 1	--	--
03/13/18, 10:45 PM	Incoming	(702) 466-4016 5	--	--
03/13/18, 1:13 PM	Incoming	(702) 539-7534 2	T-Mobile to T-Mobile	--
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03/07/18, 1:15 PM	Incoming	(702) 853-3000 1	--	--
03/06/18, 6:23 PM	to LAS VEGAS/NV	(702) 243-8751 2	--	--
03/05/18, 8:45 PM	to PAHRUMP/NV	(775) 513-6661 18	T-Mobile to T-Mobile	--
03/05/18, 12:39 PM	to LAS VEGAS/NV	(702) 612-4029 2	--	--
03/05/18, 11:52 AM	to LAS VEGAS/NV	(702) 539-7534 1	T-Mobile to T-Mobile	--
03/05/18, 11:50 AM	Incoming	(702) 539-7534 2	T-Mobile to T-Mobile	--
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03/04/18, 3:00 PM	Incoming	(702) 612-4029 3	--	--
03/04/18, 2:31 PM	to LAS VEGAS/NV	(702) 612-4029 1	--	--
03/04/18, 11:32 AM	to LAS VEGAS/NV	(702) 901-3760 1	--	--
03/04/18, 11:32 AM	to LAS VEGAS/NV	(702) 539-7534 2	T-Mobile to T-Mobile	--
03/04/18, 11:31 AM	to LAS VEGAS/NV	(702) 612-4029 1	--	--

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Total use: 2.98 GB

Total charges: \$0.00

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05/26/18, 9:43 PM - Mobile Internet 0.0087 MB --

PX 91

Testimony of Takeshia
Carrigan Regarding Hill
PAF

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,

Respondent(s),

and

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
ARTISTS, AND ALLIED CRAFTS OF THE
UNITED STATES AND CANADA,
LOCAL 720, AFL-CIO,

Charging Party.

Case Nos. 28-CA-219225
28-CA-223339
28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130

The continuation of the above-entitled matter came on for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**, Administrative Law Judge, at the **National Labor Relations Board**, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas, Nevada, on **Thursday, October 4, 2018**, at **9:00 a.m.**

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Annapolis, MD 21409
(410) 974-0947

1		<u>I N D E X</u>				
2						VOIR
3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
4						
5	Takeshia Carrigan	2063	--	--	--	2142
6						2149
7						2199
8						2217
9						2231
10						2247
11						
12	Stephen Urbanski	2260	--	--	--	--
13						
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26						

1 this PAF?

2 A. When I gave final approval.

3 Q. And if you go back to General Counsel's Exhibit Number

4 18 --

5 A. Okay.

6 Q. -- you did receive that email from Tiffany after you did

7 a final approval; is that correct? On the PAF?

8 A. Yes.

9 Q. And so I'm just wondering again, you have poor attitude

10 listed as a reason for her discharge on the PAF. That's

11 before you got the supporting documentation from Tiffany in

12 General Counsel's Exhibit Number 18. At the time that you

13 filled this out, what information did you have about her bad

14 attitude?

15 A. Well, that's poor attitude again constituting that she

16 was unable to work with her schedule.

17 Q. Okay.

18 A. Saying what she would and would not do.

19 **(General Counsel's Exhibit 78 marked for identification.)**

20 MS. DEMIROK: May I approach, Your Honor?

21 Q. BY MS. DEMIROK: So I've just handed you what's been

22 marked as General Counsel's Exhibit 78. Do you see the

23 handwriting on here?

24 A. Yes.

25 Q. Is that yours?

1 A. No.

2 Q. Do you know whose it is?

3 A. Tiffany.

4 Q. Tiffany. How do you know that?

5 A. This was documentation -- when we were working on
6 documentation, gathering paperwork, she was just making
7 additional notes on there.

8 Q. Okay.

9 JUDGE ANZALONE: Are you saying you saw her write this?

10 THE WITNESS: When we were gathering documents, yes,
11 these were -- she was working on the production side, and she
12 was writing her notes on the PAFs, yes.

13 JUDGE ANZALONE: You saw her write?

14 THE WITNESS: I didn't see her write specifically on
15 there, but I know this was her that wrote on there.

16 JUDGE ANZALONE: Do you recognize her handwriting?

17 THE WITNESS: Yes.

18 JUDGE ANZALONE: Have you seen her handwriting --

19 THE WITNESS: I've seen her handwriting before.

20 JUDGE ANZALONE: Okay.

21 THE WITNESS: This was done, like I said, in document
22 gathering process, when we were gathering things for the
23 subpoenas.

24 JUDGE ANZALONE: Wait. I'm confused. When did you see
25 her write this? We're talking about the "plus secondary" --

1 THE WITNESS: Correct.

2 JUDGE ANZALONE: When did you believe she wrote this?

3 THE WITNESS: That was just recently, when we were
4 gathering documentation, because she was just making notes
5 from the production side as her information that we were
6 needing.

7 JUDGE ANZALONE: Okay. So in connection with providing
8 documents to --

9 THE WITNESS: Correct. She was -- yes.

10 JUDGE ANZALONE: -- General Counsel.

11 THE WITNESS: Um-hum.

12 JUDGE ANZALONE: Okay.

13 MS. DEMIROK: Your Honor, I move to admit 78.

14 MR. KAMER: On what basis? We object. There is a
15 personnel action form here. This is not the original
16 document. There is writing on there which this witness has
17 maybe identified as Ms. DeStefano and has identified when it
18 happened, but what's the relevancy of this document?

19 MS. DEMIROK: The extent that it may show, Your Honor,
20 that there have been shifting of different reasons for the
21 reason for Ms. Hill's termination. I would offer it for that
22 reason.

23 JUDGE ANZALONE: Yeah, I think it's relevant. I mean
24 you can argue in the brief. It goes to the weight, but I see
25 relevance.

PX 92

Testimony of Tiffany
DeStefano Regarding
Suapaia

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,

Respondent(s),

and

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
ARTISTS, AND ALLIED CRAFTS OF THE
UNITED STATES AND CANADA,
LOCAL 720, AFL-CIO,

Charging Party.

Case Nos. 28-CA-219225
28-CA-223339
28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130

The continuation of the above-entitled matter came on for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**, Administrative Law Judge, at the **National Labor Relations Board**, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas, Nevada, on **Thursday, September 13, 2018**, at **9:00 a.m.**

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4						
5	Tiffany DeStefano	317	--	--	--	329
6						397
7						402
8						452
9						519
10						533
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1 job to do it since Jason was not there and I was the next
2 one.

3 Q. So just to be clear, what are all the reasons that Chris
4 S'uapaia was discharged for?

5 A. He was discharged for his attendance and his timeliness
6 and his neglect to the schedule. He called Tommy one week, I
7 believe within the last couple of weeks of his employment,
8 and just said he's not coming in. And I said, well, did
9 someone die, did someone get sick, what happened. And he
10 goes, he just said he doesn't feel like coming.

11 Q. That's what Tommy told you?

12 A. Yes. And that's when I again stated to Tommy, what
13 exactly did he say. He said he just didn't feel like coming
14 in, he had other things to do.

15 Q. Any other reasons other than his timeliness or tardiness
16 or attendance issues?

17 A. I'd have to see his PAF, but he also -- it was very
18 restricted on what he would do. So Saxe, I made sure that
19 when I put him in there, he was able to do it all. And it
20 just got to the point where I was like, it's a restriction
21 every other day. You can't walk to the left. You don't want
22 to walk to the right. You don't want to do this. You've got
23 to be on this side of the stage. It was -- there's only so
24 much I can do. It's a physical job, and he knew that upon
25 hire. And I did accommodate him all I could until there

1 became a point where this job may not be for you. But that
2 was one of the sub-reasons. But his main reason was his
3 schedule.

4 JUDGE ANZALONE: You just said Saxe made sure, referring
5 to the theater?

6 THE WITNESS: The theater. I'm sorry. I --

7 JUDGE ANZALONE: Okay, just I want to be clear.

8 THE WITNESS: I'm sorry. I tend to forget it's the
9 same.

10 JUDGE ANZALONE: Got it. Go ahead.

11 THE WITNESS: Saxe Theater is --

12 JUDGE ANZALONE: Go ahead.

13 Q. BY MS. DEMIROK: You mentioned accommodating him. What
14 do you mean by that?

15 A. He was supposed to be a swing in all three theaters, V1,
16 V3, and Saxe. I put him in V1, and he stated that he didn't
17 want to do it because he had a fear of walking backwards due
18 to a previous injury, I guess. And although that sounded odd
19 to me, I said okay, totally fine.

20 I moved him to V3, and he said, well, I still have to do
21 some backwards stuff in here, to which maybe it was one or
22 two. I understand V1, it's kind of an, okay, I'll carry this
23 end, you carry this end. The other one kind of is like that,
24 but they could switch sides very easily and the stage manager
25 had no problem with that. And he was like, no, I don't, I

1 don't feel comfortable. I said, okay, that's fine.

2 I got with Saxe. Are you fine with the track that
3 you've run? And he was like, yeah, I don't have to walk
4 backwards, I just have to push. I said, okay. And that's
5 what --

6 Q. He has a metal plate in his ankle, right? Do you know
7 that?

8 A. No, he never told me. He just told me about his fear of
9 walking backwards.

10 Q. He was just afraid of walking backwards?

11 A. Yeah.

12 Q. Okay.

13 JUDGE ANZALONE: You said you carry this end, you carry
14 this end, and when you did that you held your hands up. So I
15 understand, you're talking about two people carrying some
16 piece of equipment together?

17 THE WITNESS: Yeah, like you would carry one end of the
18 table, and they would carry the other end, one person has to
19 walk backwards.

20 JUDGE ANZALONE: Okay, got it.

21 Q. BY MS. DEMIROK: Kevin Michaels, you know who that is,
22 right?

23 A. Yes.

24 Q. He was also a stagehand at the Saxe Theater?

25 A. Yes.

PX 93

Testimony of Steve
Sojack Regarding Gasca
and Suapaia

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

In the Matter of:

DAVID SAXE PRODUCTIONS, LLC and
V THEATER GROUP, LLC, Joint
Employers,

Respondent(s),

and

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND
MOVING PICTURE TECHNICIANS,
ARTISTS, AND ALLIED CRAFTS OF THE
UNITED STATES AND CANADA,
LOCAL 720, AFL-CIO,

Charging Party.

Case Nos. 28-CA-219225
28-CA-223339
28-CA-223362
28-CA-223376
28-CA-224119
28-RC-219130

The continuation of the above-entitled matter came on for hearing pursuant to notice, before **MARA-LOUISE ANZALONE**, Administrative Law Judge, at the **National Labor Relations Board**, 300 Las Vegas Boulevard South, Suite 4-400, Las Vegas, Nevada, on **Thursday, October 25, 2018**, at **9:00 a.m.**

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3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
4						
5	David Saxe	3067	3076	--	--	--
6						
7	Thomas Estrada Sr.	3092	3122	--	--	--
8			3133			
9						
10	Gerard McCambridge	3141	3153	--	--	--
11			3159			
12						
13	Daniel Mecca	3164	3177	--	--	--
14						
15	Stephen Sojack	3191	3202	3220	3232	--
16				3237		
17						
18	David Montelongo	3239	3246	3268	--	--
19			3255			
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1 JUDGE ANZALONE: Okay.

2 MR. KAMER: Thank you, Your Honor.

3 Q. BY MR. KAMER: So, Mr. Sojack, did Mr. Gasca ever ask
4 you for time off?

5 A. Yes.

6 Q. When might that have been, or how often was that?

7 A. I specifically remember he wanted to take a lengthy time
8 off, like a month, to do some outside work.

9 Q. And what happened?

10 A. Well, Tiffany DeStefano handled that.

11 Q. How do you know that?

12 A. He spoke to her regarding that.

13 Q. Did he first come to you, or did he go directly to
14 Ms. DeStefano?

15 A. He went directly to her, but he mentioned to me that
16 that was --

17 MS. DEMIROK: Objection, foundation.

18 THE WITNESS: -- he wanted.

19 JUDGE ANZALONE: Wait, wait. Let me back up a second.

20 Were you there when he spoke to Ms. DeStefano?

21 THE WITNESS: No.

22 JUDGE ANZALONE: Okay.

23 Q. BY MR. KAMER: Now, you started testifying that he spoke
24 to you about wanting the time off; is that correct?

25 A. Correct.

1 Q. And did he say that he was going to go to Ms. DeStefano?

2 MS. DEMIROK: Objection, leading.

3 THE WITNESS: Yes.

4 JUDGE ANZALONE: Well, I think that already came out.

5 So that horse has escaped.

6 Q. BY MR. KAMER: And the answer was yes.

7 A. Yes.

8 Q. Okay. Do you know Chris S'uapaia?

9 A. Yes.

10 Q. How do you know him?

11 A. He was another part-time swing at the V Theater.

12 Q. Did you have an opportunity to observe his work
13 performance?

14 A. Yes.

15 Q. Were you aware of any physical limitations that S'uapaia
16 may have had?

17 A. Not when he was first brought to me.

18 Q. At some point in time, did you learn of some physical
19 limitations?

20 A. Yes.

21 Q. What was that limitation?

22 A. He had a previously injured leg.

23 Q. And how did that affect his ability to performance as a
24 stagehand, if at all, if you know?

25 A. He could not walk backwards. So we had to accommodate

1 that. There were times where he had a lot of pain during his
2 work a couple of times I noticed where he would limp from his
3 previous injury.

4 Q. Okay. Do you know Laney Hill?

5 A. Yes.

6 Q. How do you know Ms. Hill?

7 A. She was another part-time stagehand at the V Theater.

8 Q. Do you know if Ms. Hill is still employed?

9 A. Not at the V Theater.

10 Q. Did you have an opportunity to observe her work
11 performance?

12 A. Yes.

13 Q. And how did she perform?

14 A. She performed well. She was conscientious.

15 Q. Did you know of -- are you aware that there was a union
16 election held in May of 2018 for the Saxe companies?

17 A. Yes.

18 Q. Are you on Facebook?

19 A. No.

20 Q. When did you become aware of the organizing drive?

21 A. There was a few employees openly talking about it in the
22 theater.

23 Q. When did you first hear these employees openly talking
24 about the union organizing drive?

25 A. I don't know the specific dates.

1 Q. Do you know what month you may have first started
2 hearing it?

3 A. I don't.

4 Q. Do you know when the election was held?

5 A. I don't remember that date.

6 Q. When you heard of the organizing drive, did you report
7 it to upper management?

8 A. I did not.

9 MR. KAMER: No further questions.

10 **CROSS-EXAMINATION**

11 Q. BY MS. DEMIROK: Mr. Sojack, my name is Sara Demirok,
12 and I'm here representing the General Counsel in this case,
13 the Government. Okay. And I've just got a few questions for
14 you. When you were asked earlier if you've ever adjusted a
15 grievance for an employee, what did you take that to mean?

16 A. Adjusted a grievance? If an employee had a complaint,
17 that I would fix it in some way.

18 Q. Has it ever happened where you've tried to fix a
19 complaint from an employee?

20 A. I can't think of anything specific.

21 Q. Now, Mr. Gasca came to you requesting some time off,
22 right?

23 A. (No audible response.)

24 MR. KAMER: You have to articulate your answer.

25 THE WITNESS: Yes.

- 1 Q. BY MS. DEMIROK: And do you know about when that was?
- 2 A. December of last year.
- 3 Q. Of 2017?
- 4 A. Yes.
- 5 Q. And after he came and spoke to you about that, he
- 6 continued to work for the Company, right?
- 7 A. Yes.
- 8 Q. And after that period of time -- point in time, December
- 9 2017, he was working on call. You're aware of that, right?
- 10 A. Yes.
- 11 Q. Now, as the stage manager in V1 or V main --
- 12 A. Um-hum.
- 13 Q. -- it's the same place, right?
- 14 A. Right.
- 15 Q. If someone says V main and V1, they're the same, right?
- 16 A. Yes.
- 17 Q. And as a stage manager in there, do you wear a headset?
- 18 A. No.
- 19 Q. No. Do you communicate ever with the lighting
- 20 technician?
- 21 A. Yes.
- 22 Q. And do you communicate with the audio technician?
- 23 A. Yes.
- 24 Q. How do you go about doing that?
- 25 A. We have a walkie-talkie radio.

1 Q. Okay. Why is it that you would need to speak to them?

2 A. To indicate the start of a show or if there's any
3 technical problems with audio, lighting, to be resolved, or a
4 change in the show.

5 Q. A change in the show. Can you give me an example of
6 that?

7 A. For whatever reason, the performer can't go on, I would
8 let them know that someone else is going on in their place.

9 Q. And why would you need to notify --

10 A. Well, that would change their cues as far as lighting
11 and music.

12 Q. And do you also have to communicate with the other --
13 with the stagehands that is on the show with you?

14 A. Yes.

15 Q. Now, if there's a change -- has there ever been like a
16 mishap during a show?

17 A. Yep, anything could happen.

18 Q. And anything can happen. Can you give me an example of
19 maybe some sort of mishap that's happened over the years?

20 A. I'm trying to think of something off hand. I had a
21 magic act that was very dependent on lighting, and the
22 lighting malfunctioned. So I had to put on a comedian in its
23 place.

24 Q. How did you decide to do that?

25 A. How did I decide to do that?

1 Q. Yeah.

2 A. Well, I thought of what my options would be. You know,
3 who to put on, and that the lighting wouldn't affect until it
4 got resolved.

5 Q. So you had to use your own judgment?

6 A. Yes.

7 Q. Using your experience?

8 A. Yes.

9 Q. And juggling a lot of different factors?

10 A. Yes.

11 Q. And let's say in that particular instance, I'm assuming
12 you would have to communicate with the other performers,
13 right?

14 A. Yes.

15 Q. And the other stagehand?

16 A. Yes.

17 Q. And that may require you directing the other stagehand
18 to change their cues, right?

19 A. Yes.

20 Q. And has it happened before?

21 A. Yes.

22 Q. And how would you go about determining like what to
23 direct the other stagehand to do?

24 A. Well, in that instance, I would let them know which act
25 was going on next, and they would, you know, proceed

1 accordingly.

2 Q. And would you assist them in figuring out how to proceed
3 accordingly?

4 A. Yes.

5 Q. How would you go about doing that?

6 A. Well, I don't know how much assistance they would need
7 because they would have already known what to do.

8 Q. Based on --

9 A. Based on doing that act in the past.

10 Q. So then you would tell them what cues would be used for
11 the next act?

12 A. Yeah. They would know from their training as well.

13 Q. Okay. I think earlier you said that you're the one who
14 decides like what cue sheet the other stagehand would do; is
15 that right?

16 A. (No audible response.)

17 Q. Sorry. You have to say yes.

18 A. Yes.

19 Q. And you're the one who created the cue sheets?

20 A. Yes.

21 Q. Do those ever change?

22 A. Yes.

23 Q. How often would you say those change?

24 A. They only change if an act or a show makes a change, and
25 it could be hardly ever and, you know, it could be once a

- 1 year, you know. It's seldom.
- 2 Q. It depends. Like with *V - The Ultimate Variety Show* --
- 3 A. Yeah.
- 4 Q. -- that is like a show, tell me if I'm wrong, but it has
- 5 several different acts with different like performers within
- 6 *The Variety Show*?
- 7 A. That's correct.
- 8 Q. So it's kind of how it sounds, like there's a variety of
- 9 smaller acts from start to finish?
- 10 A. Right.
- 11 Q. And sometimes those acts change, right?
- 12 A. Right.
- 13 Q. And so is that -- would that be an example, if an act
- 14 changes in that, would you need to create a new cue sheet?
- 15 A. Yeah, if an act changes or a new act is added to the
- 16 show.
- 17 Q. And have the acts changed at all in that show since, I
- 18 don't know, December of 2017?
- 19 A. Have the acts changed?
- 20 Q. Within the last year, let's say.
- 21 A. In the last year? Yeah, a couple acts, a few acts
- 22 probably changed.
- 23 Q. And so you would have had to --
- 24 A. Update.
- 25 Q. -- update the cue sheets?

1 A. Yeah.

2 Q. And assign the new cues to either yourself or the other
3 stagehand, right?

4 A. Right.

5 JUDGE ANZALONE: How do you decide who to give which cue
6 sheet to?

7 THE WITNESS: Well, in the case of -- each show is
8 different. In the case of *The Variety Show*, we collectively
9 learn all of it and, you know, one will do what the other one
10 isn't, for example.

11 JUDGE ANZALONE: No, but I'm saying you said you
12 assigned the cue sheets to the individual stagehands, and I'm
13 saying, you just deal them out like cards, or do you put some
14 thought into who gets what?

15 THE WITNESS: The stage cues are a general stage cue,
16 and it will say stage left does this, stage right does that,
17 for example. And, you know, if I'm stage right, then they're
18 stage left. So that's how they know.

19 JUDGE ANZALONE: No, my question is about your decision
20 making. When you're deciding which sheets to give -- which
21 cues to give which stagehands, do you have -- is there a
22 thought process there, or is it just a simple thing where you
23 just leave them all on the table and everybody grabs one?

24 THE WITNESS: Yeah. Well, they're memorized. So
25 they're not actually physically out during the show. So it's

1 a learned -- the activities are learned.

2 JUDGE ANZALONE: Okay. But you initially assign
3 these --

4 THE WITNESS: Yes.

5 JUDGE ANZALONE: -- to people? Right. And my
6 question --

7 THE WITNESS: Everybody gets the same -- every stagehand
8 gets the same stage cue packet.

9 JUDGE ANZALONE: That has everybody's cues in it?

10 THE WITNESS: That has everybody's cues in it.

11 JUDGE ANZALONE: And they're all expected to know all of
12 the cues?

13 THE WITNESS: Yes.

14 JUDGE ANZALONE: I see. Okay.

15 Q. BY MS. DEMIROK: And when there's a new stagehand that
16 works on one of your shows, you're the one that trains them?

17 A. Me and the other full-time stagehand. If they're
18 shadowing that stagehand, they'll shadow that stagehand.

19 Q. Okay.

20 A. So it's --

21 Q. And do you oversee that process to make sure that the
22 new employee gets training?

23 A. Yes.

24 Q. And how do you go about that?

25 A. Well, first of all, I make sure that they get the cue

1 sheets and that they're familiar with the workings of all the
2 props and the theater surroundings.

3 Q. And the other full-time stagehand, that's Josh Prieto,
4 right?

5 A. That's correct.

6 Q. And then do you inform him that someone would be
7 shadowing him?

8 A. Yes.

9 Q. You mentioned Chris S'uapaia earlier and his physical
10 limitation of not being able to walk backwards. When was it
11 that he was working in your theater?

12 A. I believe late last year.

13 Q. Like late 2017?

14 A. Yes.

15 Q. Okay. And you already said this, but you had to
16 accommodate him, right?

17 A. Yes.

18 Q. And you figured out a way to where he could run his cues
19 where he didn't have to walk backwards, right?

20 A. Right.

21 Q. And then he went to go work over in the Saxe Theater at
22 some point; is that correct?

23 A. Yeah, but he worked there prior as well to working with
24 me.

25 Q. Oh, worked there as a tech. So he worked at the Saxe

- 1 Theater.
- 2 A. Yes.
- 3 Q. And then he worked with you.
- 4 A. Yes.
- 5 Q. And then he went back over to the Saxe Theater?
- 6 A. Yes.
- 7 Q. Okay. Did you ever have any conversations with any of
- 8 the other stage managers about Mr. S'uapaia's not being able
- 9 to walk backwards thing?
- 10 A. Yes, I brought it up at a meeting.
- 11 Q. What kind of meeting?
- 12 A. We had a stage manager meeting.
- 13 Q. And who was there?
- 14 A. Let's see. Thomas Estrada, Dan Mecca, Tiffany
- 15 DeStefano, and Jason Pendergraft.
- 16 Q. Where was that meeting held?
- 17 A. At the V Theater.
- 18 Q. And Jason was there. So that must have been before he
- 19 was terminated?
- 20 A. Yes.
- 21 Q. And can you tell me what did you say with regard to
- 22 Mr. S'uapaia's not being able to walk backwards?
- 23 A. I was concerned with the -- I was concerned that the
- 24 physicality of the job may have been too much for his
- 25 previously injured leg. It seemed that there were times he

1 was limping, and a couple of times he was in pain at the end
2 of the workday. And, you know, I questioned if he was the
3 right fit for that particular room for its workload.

4 Q. And what shows were being performed in that room at that
5 time?

6 A. At that time, *Comedy Pet Theater*, *Hitzville*, *The Variety*
7 *Show*, and *Marc Savard*.

8 Q. And during that meeting, was that when the decision was
9 made to bring him back over to Saxe?

10 A. I believe so.

11 Q. Was that part of the discussion?

12 A. Well, the discussion on my end was my concern for -- if
13 he's the right fit for the room, you know, given the physical
14 nature of the show, and I wasn't sure if he could handle it.
15 And the decision for him, you know, was left up in the air.

16 Q. Okay. Did you make a recommendation as far as having
17 him move to a different show or theater?

18 A. I don't believe so.

19 Q. Did anyone else speak up with regard to where he should
20 be working in -- during that meeting?

21 A. No.

22 Q. What, if anything, do you remember Tiffany saying at
23 that meeting?

24 JUDGE ANZALONE: Was Tiffany at this meeting?

25 THE WITNESS: Yes.

1 JUDGE ANZALONE: Okay. Sorry. I didn't remember that.

2 THE WITNESS: I don't recall.

3 MS. DEMIROK: Okay.

4 JUDGE ANZALONE: Was this a regular meeting, the stage
5 managers' meeting?

6 THE WITNESS: It was once, yes.

7 JUDGE ANZALONE: When was it a regular thing?

8 THE WITNESS: Probably earlier this year.

9 JUDGE ANZALONE: Like when's the last time you think you
10 went to one?

11 THE WITNESS: I don't remember a specific date.
12 Probably in the spring.

13 JUDGE ANZALONE: Sometime in the spring.

14 THE WITNESS: Yes.

15 JUDGE ANZALONE: And before then, was there something --
16 was there a regularity to it? Monthly, weekly, or anything
17 like that?

18 THE WITNESS: It was intended to be weekly, but due to
19 scheduling factors, it would often get canceled.

20 JUDGE ANZALONE: Okay.

21 Q. BY MS. DEMIROK: Is there a certain like name for that
22 kind of meeting?

23 A. Stage managers' meeting.

24 Q. Okay. I think that's what you said earlier.

25 A. Yeah.

1 Q. I just want to -- have you ever heard the phrase
2 "production meeting"?

3 A. Yes.

4 Q. And do you -- what's your understanding of what that is?

5 A. Within the company I work?

6 Q. Yeah.

7 A. Production meetings were often held at the corporate
8 office.

9 Q. And corporate meaning the -- is that on Oquendo Drive?

10 A. Yes.

11 Q. Okay. Have you ever been to one of those?

12 A. Yes, a couple of those.

13 Q. When was the last time you went to one of those?

14 A. That was probably in the spring. I don't remember a
15 specific date.

16 Q. Okay. Were you ever told why you were invited to that
17 meeting?

18 A. Just to talk about things that needed to be done in the
19 theater.

20 Q. Who else was there?

21 A. Shannon Hardin, Tiffany DeStefano, the other stage
22 managers, Dan Mecca, Thomas Estrada, myself, and I believe at
23 that time, house manager Michael Moore.

24 Q. Do you recall if the topic of having a work call that
25 day came up during that meeting?

- 1 A. Having a work call.
- 2 Q. A work call.
- 3 A. No.
- 4 Q. Or flipping the stage?
- 5 A. I don't know what you mean by that.
- 6 Q. Okay. Do you recall if anything came up about painting
- 7 the Saxe stage?
- 8 A. Yes, they wanted to repaint the Saxe stage.
- 9 Q. Okay. And that came up during that meeting?
- 10 A. I believe so, yes.
- 11 Q. Do you recall how you got notified to go to that
- 12 meeting?
- 13 A. I believe it was a text message.
- 14 Q. If you know or if you remember, was it on the same day
- 15 the meeting was held?
- 16 A. I don't remember.
- 17 Q. Okay. Do you recall who the message was from?
- 18 A. Probably Stephanie.
- 19 Q. Stephanie?
- 20 A. Or Tiffany rather.
- 21 Q. Okay.
- 22 A. Sorry.
- 23 Q. I think I've made that same mistaken before, too. You
- 24 mentioned Mr. Gasca's performance earlier, and I think we
- 25 said earlier that his performance varied; is that right?

1 A. Yes.

2 Q. And was that throughout his whole employment as far as
3 you're aware?

4 A. Yes.

5 Q. And you're aware that there was a union election, right?

6 A. Yes.

7 Q. Before that union election happened, did you know that
8 there were meetings held with employees --

9 A. Yes.

10 Q. -- in groups?

11 A. Yes.

12 Q. To discuss -- the Company brought someone else in to
13 talk with them, right?

14 A. Yes.

15 Q. You didn't attend those meetings, did you?

16 A. No.

17 JUDGE ANZALONE: Did you talk to that individual in any
18 other way, by yourself or in a group of managers?

19 THE WITNESS: Repeat that, please.

20 JUDGE ANZALONE: The guy that they brought in to talk to
21 the employees, did you ever speak with him?

22 THE WITNESS: No.

23 JUDGE ANZALONE: Okay.

24 Q. BY MS. DEMIROK: Were you ever told why you didn't have
25 to go to those meetings?

1 A. Well, that I was management.

2 Q. And who told you that?

3 A. Well, it was never brought up.

4 Q. So you just assumed?

5 A. Yeah.

6 Q. Okay. Because you're a manager.

7 A. Right.

8 Q. Do you know if you were eligible to vote in that
9 election?

10 MR. KAMER: Objection, foundation.

11 JUDGE ANZALONE: Yeah, I mean did anyone say one way or
12 the other whether you were allowed to vote in the election?

13 THE WITNESS: No.

14 Q. BY MS. DEMIROK: Were you ever notified by Tiffany that
15 you could take the shuttle bus to go vote in the election?

16 A. No.

17 JUDGE ANZALONE: Hold on. Let's go off the record.

18 (Off the record from 3:02 p.m. to 3:07 p.m.)

19 JUDGE ANZALONE: Back on the record.

20 Q. BY MS. DEMIROK: So I just have a few more questions.

21 A. Okay.

22 Q. Were you ever told by anyone in management why Mr. Gasca
23 was fired?

24 A. No.

25 Q. And what about Mr. S'uapaia, were you told by anyone in

1 management why he was fired?

2 A. No.

3 Q. There was -- are you aware that there were other
4 employees that were fired in March of 2018?

5 A. Yes.

6 Q. Were you ever told why any of them were fired?

7 A. No.

8 Q. Before coming to testify, did you meet with anyone to
9 prepare your testimony?

10 A. No.

11 Q. Even with the attorneys?

12 A. No. Oh.

13 JUDGE ANZALONE: Okay. You're indicating somebody. Who
14 are you pointing at?

15 Q. BY MS. DEMIROK: Were you indicating counsel next to me
16 over here?

17 A. Well --

18 Q. The gentleman.

19 A. -- I don't know what you mean by prepare.

20 Q. I don't want to know what they told you. I don't -- I
21 just -- I want to know if you like spoke with anyone, even
22 including someone who may be counsel, about what you may
23 testify about?

24 MR. KAMER: Objection to clarify who counsel are. I
25 don't know if the witness understands that.